

WEDNESDAY, MAY 26, 1999

THIRTY-SIXTH LEGISLATIVE DAY

The House met at 10:30 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Jeff Lane, First Baptist Church, South Pittsburg, Tennessee.

Representative Rhinehart led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Buck; personal reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1005: Rep(s). Odom and Langster as prime sponsor(s).

House Bill No. 1375: Rep(s). Winningham as prime sponsor(s).

House Bill No. 1818: Rep(s). Todd, McDonald, Roach, Turner (Hamilton) and Montgomery as prime sponsor(s).

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Bill No. 1987: Rep(s). Patton as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). McAfee, Turner (Hamilton), Wood and Sharp was/were removed as sponsor(s) of **House Bill No. 1999**.

ENGROSSED BILLS

May 26, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 1925.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 26, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 136, 205, 211 and 223.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 26, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 207, 506, 567, 580, 584, 585, 688, 761, 811, 1031, 1056, 1196, 1290, 1297, 1381, 1406, 1442, 1588, 1594, 1670, 1771, 1828, 1963, 1968, also, House Joint Resolution(s) No(s). 136, 205, 211 and 223; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 466, 467, 469, 470, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 485, 486, 487, 488, 489, 490, 491 and 492; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 466 -- Memorials, Interns - Matthew R. Feller. by *Person, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 467 -- Memorials, Interns - Brian Clay Johnson. by *Person, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 469 -- Memorials, Recognition - Hamilton Middle Accelerated School. by *Dixon, *Leatherwood.

Senate Joint Resolution No. 470 -- Memorials, Retirement - Raybon M. Hawkins, Sr. by *Dixon, *Leatherwood.

Senate Joint Resolution No. 472 -- Memorials, Academic Achievement - Rick P. Davis, Mt. Juliet Christian Academy, Valedictorian. by *Rochelle.

Senate Joint Resolution No. 473 -- Memorials, Academic Achievement - Susan Beth Canida, Mt. Juliet Christian Academy, Salutatorian. by *Rochelle.

Senate Joint Resolution No. 474 -- Memorials, Retirement - Lowell Moubray. by *Herron.

Senate Joint Resolution No. 475 -- Memorials, Academic Achievement - Emily Garrett, Henry County High School, top three in graduating class. by *Herron.

Senate Joint Resolution No. 476 -- Memorials, Interns - Larry Joe Hinson, Jr. by *Herron.

Senate Joint Resolution No. 477 -- Memorials, Academic Achievement - James Kirk Hudson, Valedictorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 478 -- Memorials, Retirement - Winnie Moore, Principal, Dresden Elementary School. by *Herron.

Senate Joint Resolution No. 479 -- Memorials, Retirement - Mrs. Jean Curran. by *Henry, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 480 -- Memorials, Death - Edward Benjamin Neusel. by *McNally.

Senate Joint Resolution No. 481 -- Memorials, Public Service - Fred Johnson, 1998 Victory Lifetime Achievement Award Winner. by *Womack.

Senate Joint Resolution No. 485 -- Memorials, Interns - Patricia "Kim" Soto. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 486 -- Memorials, Death - Harold Richard Laws. by *Cooper.

Senate Joint Resolution No. 487 -- Memorials, Academic Achievement - Jennifer Evelyn King, Salutatorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 488 -- Memorials, Interns - William Clay Fortner. by *Herron.

Senate Joint Resolution No. 489 -- Memorials, Retirement - Wanda Greer Copley. by *Davis L, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 490 -- Memorials, Interns - Heath Bertram. by *Davis L.

Senate Joint Resolution No. 491 -- Memorials, Personal Occasion - Gaynell Thompson, 81st Birthday. by *Harper.

Senate Joint Resolution No. 492 -- Memorials, Interns - Chandra Allen. by *Harper.

MESSAGE FROM THE GOVERNOR

May 26, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 207, 506, 567, 580, 584, 585, 688, 761, 811, 1031, 1056, 1196, 1290, 1297, 1381, 1406, 1442, 1588, 1594, 1670, 1771, 1828, 1963, 1968, also, House Joint Resolution(s) No(s). 136, 205, 211 and 223; with his approval.

COURTNEY PEARRE, Counsel to the Governor.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep(s). McAfee and Bone were recognized in the well to introduce Dr. Joe Johnson, retiring President of the University of Tennessee.

RESOLUTION READ

The Clerk read House Joint Resolution No. 46 of behalf of Dr. Johnson.

RESOLUTION WITHDRAWN

Rep. McAfee moved that House Joint Resolution No. 46 be withdrawn from the House, which motion prevailed.

RULES SUSPENDED

Rep. Bone moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 231 out of order, which motion prevailed.

House Joint Resolution No. 231 -- Memorials, Retirement - Dr. Joe Johnson, President of the University of Tennessee. by *Bone.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bone, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 8 out of order, which motion prevailed.

Senate Joint Resolution No. 8 -- Memorials, Retirement - Dr. Joseph E. Johnson, University of Tennessee. by *Cooper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes98
Noes0

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 27, 1999:

House Joint Resolution No. 349 -- Memorials, Personal Occasion - William and Dorothy McKnight, 50th Wedding Anniversary. by *Eckles.

House Joint Resolution No. 350 -- Memorials, Death - Mary Flora Page DeBerry. by *Bowers.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 27, 1999:

Senate Joint Resolution No. 466 -- Memorials, Interns - Matthew R. Feller. by *Person, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 467 -- Memorials, Interns - Brian Clay Johnson. by *Person, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 469 -- Memorials, Recognition - Hamilton Middle Accelerated School. by *Dixon, *Leatherwood.

Senate Joint Resolution No. 470 -- Memorials, Retirement - Raybon M. Hawkins, Sr. by *Dixon, *Leatherwood.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 472 -- Memorials, Academic Achievement - Rick P. Davis, Mt. Juliet Christian Academy, Valedictorian. by *Rochelle.

Senate Joint Resolution No. 473 -- Memorials, Academic Achievement - Susan Beth Canida, Mt. Juliet Christian Academy, Salutatorian. by *Rochelle.

Senate Joint Resolution No. 474 -- Memorials, Retirement - Lowell Moubray. by *Herron.

Senate Joint Resolution No. 475 -- Memorials, Academic Achievement - Emily Garrett, Henry County High School, top three in graduating class. by *Herron.

Senate Joint Resolution No. 476 -- Memorials, Interns - Larry Joe Hinson, Jr. by *Herron.

Senate Joint Resolution No. 477 -- Memorials, Academic Achievement - James Kirk Hudson, Valedictorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 478 -- Memorials, Retirement - Winnie Moore, Principal, Dresden Elementary School. by *Herron.

Senate Joint Resolution No. 479 -- Memorials, Retirement - Mrs. Jean Curran. by *Henry, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 480 -- Memorials, Death - Edward Benjamin Neusel. by *McNally.

Senate Joint Resolution No. 481 -- Memorials, Public Service - Fred Johnson, 1998 Victory Lifetime Achievement Award Winner. by *Womack.

Senate Joint Resolution No. 485 -- Memorials, Interns - Patricia "Kim" Soto. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 486 -- Memorials, Death - Harold Richard Laws. by *Cooper.

Senate Joint Resolution No. 487 -- Memorials, Academic Achievement - Jennifer Evelyn King, Salutatorian, Henry County High School. by *Herron.

Senate Joint Resolution No. 488 -- Memorials, Interns - William Clay Fortner. by *Herron.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 489 -- Memorials, Retirement - Wanda Greer Copley. by *Davis L., *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 490 -- Memorials, Interns - Heath Bertram. by *Davis L.

Senate Joint Resolution No. 491 -- Memorials, Personal Occasion - Gaynell Thompson, 81st Birthday. by *Harper, *Harper.

Senate Joint Resolution No. 492 -- Memorials, Interns - Chandra Allen. by *Harper.

SENATE BILL RETURNED

Rep. Hargrove moved that Senate Bill No. 1376, which was inadvertently transmitted to House on May 25, 1999, be removed from the Clerk's desk and returned to the Senate. The bill had already been passed in both houses.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2000 -- Watertown -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 26, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 26, 1999**: House Bill(s) No(s). 1862, 938, 1371, 1017, 1527, 1191, 1587, 1522, 1479, 1847, 1458, House Joint Resolution(s) No(s). 221 and 252.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 26, 1999**: House Bill(s) No(s). 59, 1859, House Joint Resolution(s) No(s). 264, Senate Joint Resolution(s) No(s). 100, 1991, 279 and 282.

The Committee further reported that House Bill No. 279 was considered, but failed to pass.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1849, also House Bill(s) No(s). 749, 672 and 157 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

***Senate Joint Resolution No. 120** -- Memorials, Congress - Urges support for Conservation and Reinvestment Act of 1999. by *Ramsey, *Davis L, *Burchett, *Williams, *McNally.

***House Joint Resolution No. 256** -- Highway Signs - "Will and Jason Ogilvie Bridge," spanning CSX rail line on S.R. 99, Marshall County. by *Beavers, *Fowlkes, *Kent.

House Bill No. 1986 -- Regional Authorities - Allows water and waste water treatment authority, or utility district or board or commission, under contract with corporation providing sewer services or with authority, to charge for sewer service separately and discontinue water service to sewer users who fail to pay sewer service charges. Amends TCA Title 68, Chapter 221, Part 6. by *Bone. (*SB1417 by *Rochelle)

On motion, House Bill No. 1986 was made to conform with **Senate Bill No. 1417**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1987** -- Marriage - Validates marriages performed by mail-order ministers between April 15, 1998 and June 1, 1999. Amends TCA Section 36-3-301(a)(3). by *Davis (Washington). (SB1983 by *Crowe)

House Bill No. 1982 -- Taxes, Hotel Motel - Exempts Rutherford County from limitations which prevent municipalities located in county from enacting hotel/motel tax if county has enacted such tax. Amends TCA Section 67-4-1425. by *Eckles, *Hood, *Beavers. (*SB1974 by *Womack)

***House Joint Resolution No. 227** -- Memorials, Government Officials - Urges departments of finance and administration and health to make direct interim or advance payments to TennCare providers in event of excessive delays in payment from MCOs and BHOs because of Y2K computer problems. by *Head.

***Senate Joint Resolution No. 225** -- Highway Signs - "John B. Deakins, Sr. Highway," State Highway 75, Washington County. by *Crowe.

***House Joint Resolution No. 241** -- Highway Signs - "Dr. Martin Luther King, Jr. Boulevard," S.R. 236 in Montgomery County. by *McMillan.

***Senate Joint Resolution No. 210** -- Memorials, Government Officials - Authorizes department of education to include secondary education activities of Carl Perkins Act in unified plan with other workforce development programs. by *Womack.

***House Bill No. 919** -- Insurance Companies, Agents, Brokers, Policies - Rewrites certain procedural provisions regarding rehabilitation and liquidation of insurance companies. Amends TCA Title 56, Chapters 9 and 12. by *Sands. (SB1080 by *Womack)

House Joint Resolution No. 253 -- Naming and Designating - "W.N. Ramsey Welcome Center," Panther Creek State Park. by *Ford S.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Bill No. 1936 -- Ethics - Adds health screenings and amenities to authorized gifts which may be provided to candidates for public office or officials in the legislative and executive branch at conferences sponsored by associations of elected government officials, staff, or both, or umbrella organizations; no longer limited to state paying membership dues to such conference. Amends TCA Section 3-6-114. by *Boyer, *McDaniel. (*SB1389 by *Rochelle)

***Senate Joint Resolution No. 256** -- General Assembly, Confirmation of Appointment - Dr. June Scobee, Tennessee higher education commission. by *Fowler.

***Senate Joint Resolution No. 236** -- General Assembly, Confirmation of Appointment - Fielding Rolston, State Board of Education. by *Ramsey, *Crowe, *Womack.

House Bill No. 1792 -- Dentists - Adds courses taught by Shelby County Dental Society to list of approved continuing education courses. Amends TCA Title 63, Chapter 5, Part 1. by *DeBerry L. (*SB1042 by *Dixon)

House Bill No. 1992 -- Clarksville - Subject to local approval, authorizes city council by ordinance to provide for early retirement of city officers and employees to include lump sum bonuses or incentives. Amends Chapter 252 of the Private Acts of 1929. by *McMillan, *Head. (SB1985 by *Kurita)

House Bill No. 1994 -- Cleveland - Subject to local approval, authorizes city council to use alternate means to collect delinquent real and personal property taxes. Amends Article X, Section 3, of Chapter 78 of the Private Acts of 1993; as amended. by *Bunch. (SB1988 by *Miller J)

House Bill No. 1996 -- Hawkins County - Subject to local approval, authorizes county legislative body to enact hotel/motel tax. by *Givens. (SB1992 by *Williams)

House Bill No. 1997 -- Rogersville - Subject to local approval, imposes 4 percent hotel/motel tax. by *Givens. (SB1991 by *Williams)

House Bill No. 1998 -- Lebanon - Subject to local approval, revises charter To allow referendum on sale of city-owned electric and water services Amends Chapter 644 of the Private Acts of 1911. by *Bone. (SB1993 by *Rochelle)

House Bill No. 1999 -- Hamilton County - Subject to local approval, revises Procurement Law of 1993, by increasing from \$2,500 to \$10,000 amounts in excess of which procurements must be awarded by sealed competitive bids or proposals. Amends Chapter 156 of the Private Acts of 1941. by *Stulce, *Turner (Hamilton), *Wood, *Sharp, *Brown, *McAfee. (SB1990 by *Crutchfield)

House Resolution No. 92 -- Memorials, Interns - Michael Leigh Busey. by *Beavers.

House Resolution No. 93 -- Memorials, Interns - Will Irvin. by *Bittle, *Hagood.

House Resolution No. 94 -- Memorials, Academic Achievement - Detria F. Tate. by *Armstrong, *Tindell.

House Resolution No. 95 -- Memorials, Interns - Sara Corder. by *Phillips, *Fitzhugh, *Miller L.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 308 -- Memorials, Interns - Darci Richcreek. by *Hargett, *Pleasant.

House Joint Resolution No. 309 -- Memorials, Professional Achievement - Tennessee Malt Beverage Association, 50th anniversary. by *Hargrove.

House Joint Resolution No. 310 -- Memorials, Death - Al Bradshaw. by *Cole (Dyer).

House Joint Resolution No. 311 -- Memorials, Personal Achievement - Amanda Johnson, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 312 -- Memorials, Personal Achievement - Robert Wade, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 313 -- Memorials, Personal Achievement - Cheryl Johnston, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 314 -- Memorials, Personal Achievement - Kim Parks, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 315 -- Memorials, Personal Achievement - Bethany Coppings, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 316 -- Memorials, Personal Achievement - Samuel Prater, Perfect Attendance Award. by *Turner (Hamilton).

House Joint Resolution No. 317 -- Memorials, Sports - Cocke County High School boys' track team, 1999 Inter-Mountain Conference champions. by *Davis (Cocke).

House Joint Resolution No. 318 -- Memorials, Recognition - Gap Creek Missionary Baptist Church. by *Goins.

House Joint Resolution No. 319 -- Memorials, Academic Achievement - Todd Brandon Nidiffer, Campbell County High School Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 320 -- Memorials, Academic Achievement - Julie Kay Higdon, Campbell County High School, Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 321 -- Memorials, Academic Achievement - Cara Beth Carroll, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 322 -- Memorials, Academic Achievement - Melissa Diane Payne. by *Baird, *Goins.

House Joint Resolution No. 323 -- Memorials, Academic Achievement - Brandon James Stooksbury, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 324 -- Memorials, Academic Achievement - Virginia Lynn Heath, Salutatorian, Campbell County High School. by *Baird, *Goins.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 325 -- Memorials, Academic Achievement - Josh William Chaniott, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 326 -- Memorials, Academic Achievement - Amanda Kathleen Arnold, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 327 -- Memorials, Academic Achievement - Keeling Roehl Baird, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 328 -- Memorials, Academic Achievement - Brandi Carroll Kincaid, Campbell County High School Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 329 -- Memorials, Academic Achievement - Lindsay Lea Heatherly, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 330 -- Memorials, Academic Achievement - MacKenzie Lee Hatmaker, Valedictorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 331 -- Memorials, Academic Achievement - Ebony Shantae Holmes. by *Jones U (Shelby), *Tindell, *Langster.

House Joint Resolution No. 332 -- Memorials, Retirement - Barabara Boome. by *Hagood, *Buttry, *Dunn, *Tindell, *Armstrong, *Bittle, *Boyer.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1987: by Rep. Chumney

House Bill No. 919: by Rep. Odom

House Bill No. 1999: by Rep. McAfee

Under the rules, House Bill No. 1987, 919 and 1999 was/were placed at the foot of the calendar for May 27, 1999.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 390 -- Sunset Laws - Department of agriculture, June 30, 2007. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB139 by *Springer)

Further consideration of House Bill No. 390 previously considered on May 17, 1999, at which time it was reset for today's Calendar.

Rep. Kernell moved that House Bill No. 390 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 390 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-224(a), is amended by adding a new item thereto, as follows:

() Department of agriculture, created by Section 4-3-101;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 390**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 395 -- Sunset Laws - Tennessee registry of election finance, June 30, 2005. Amends TCA Title 2, Chapter 10 and Title 4, Chapter 29. by *Kernell, *Garrett, *Brooks. (*SB115 by *Springer)

Further consideration of House Bill No. 395 previously considered on May 17, 1999, at which time it was reset for today's Calendar.

Rep. Kernell moved that House Bill No. 395 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Bill No. 1590** -- Insurance, Motor Vehicles - Allows arbitration of claim arising under uninsured motorist provision. Amends TCA Section 56-7-1206. by *Hargrove. (SB1859 by *Haynes)

Rep. Hargrove moved that House Bill No. 1590 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Bill No. 1528** -- Taxes, Business - Authorizes payment of delinquent business taxes by means of deferred payments. Amends TCA Title 67. by *Windle, *Buck, *Kernell, *Jackson, *Jones, S., *Kerr, *Briley, *Ferguson. (SB1691 by *Davis L)

Further consideration of House Bill No. 1528 previously considered on May 19, 1999, at which time it was reset for today's Calendar.

Rep. Ferguson moved that House Bill No. 1528 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

House Bill No. 948 -- Human Rights - Creates commission on African American struggle for justice, equality and opportunity; provides certain funding sources for the commission. Amends TCA Title 4, Chapter 11 and Title 55, Chapter 4, Part 2. by *Brooks, *Pruitt, *Cooper B, *Brown, *DeBerry L, *Bowers, *Miller L. (*SB953 by *Harper)

Rep. Brooks moved that House Bill No. 948 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 948 By adding the following as a new section to precede the effective date section:

SECTION ____ Tennessee Code Annotated, Section 4-29-222(a), is amended by adding a new item thereto, as follows:

() Commission on the African American struggle for justice, equality and opportunity, created by Section 1 of this act;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Tindell moved adoption of State and Local Government Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 948 by adding the following language to the end of the amendatory language of Section 2:

() Title VI, Civil Rights Act of 1964;

AND FURTHER AMEND by inserting the following language as a new, appropriately designated Section immediately preceding the effective date section and by renumbering subsequent sections accordingly:

SECTION ____ Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

(a)(1) Owners or lessees of motor vehicles who are residents of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in §55-4-203, shall be issued a Title VI, Civil Rights Act new specialty earmarked license plate for a motor vehicle authorized by §55-4-210(c).

(2) The purpose of such plates is to recognize, commemorate and celebrate the purpose and many benefits of Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. § 2000d et seq.

(b) The plates provided for in this section shall bear an appropriate design or logo that depicts through words and/or pictures the purpose and many benefits of Title VI of the Civil Rights Act. Such plates shall be designed in consultation with the Tennessee Black Caucus of State Legislators and the office of minority affairs.

(c) If the plate authorized by this act fails to meet the minimum issuance requirements of §55-4-201(b)(3)(B) within one (1) year of the effective date of this act, such plate shall not be issued and the commissioner shall notify the Tennessee Code Commission that the section of Tennessee Code Annotated authorizing the issuance of such plate is, on the basis of such inactivity, to be deemed obsolete and invalid.

(d) In accordance with the provisions of § 55-4-215(a)(1), the commission on the African American struggle for justice, equality and opportunity, created by Section 1(a) of this act, shall be the state agency to which fifty percent (50%) of the funds produced from the sale and renewal of Title VI new specialty earmarked plates shall be allocated. Any such funds received by the commission shall be used solely to fulfill the purposes set forth in Section 1(c) of this act.

On motion, State and Local Government Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Cole (Dyer) moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 948 by adding the following as a new subsection (f) at the end of Section 1:

(f) The Commission's administrative expenses shall be funded through the sale of the specialty earmarked license plates designated as funding sources for the Commission, as set forth in Tennessee Code Annotated, Title 55, Chapter 4, Part 2. If the revenues from the sale of such specialty license plates are insufficient to cover the Commission's administrative expenses as determined by the appropriation made for such purpose in the annual appropriations act, the department of finance and administration shall have no responsibility to otherwise expend funds for the Commission's administrative operations.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Newton moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 948 In the amendatory language of the amendment by deleting the second sentence of subsection (f) and by substituting instead the following:

The provisions of Section 1 shall not take effect until the commissioner of finance and administration determines that the sale of such license plates has produced sufficient funds to cover all expenses related to the Commission. No funds may be expended to cover any such expenses until the commissioner of finance and administration has made the required determination. If for any fiscal year the commissioner of finance and administration determines that the revenues from the sale of such license plates are insufficient to cover the Commission's administrative expenses as determined by the appropriation made for such purpose in the annual appropriations act, the department of finance and administration shall have no responsibility to otherwise expend funds for the Commission's administrative operations. In the event that sale of such plates raises insufficient funds for the Commission to become operational, then the proceeds of such sales shall revert to the general fund.

AND FURTHER AMEND in subsection (a) of the amendatory language of Section 1 by deleting the punctuation "." at the end of the subsection and adding the following language at the end of the subsection: "subject to the provisions of subsection (f)".

On motion, Amendment No. 4 was adopted.

Rep. Turner (Shelby) moved the previous question, which motion prevailed.

Rep. Brooks moved that **House Bill No. 948**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	1
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Dunn -- 1.

Representatives present and not voting were: Godsey, Harwell, McAfee, Mumpower -- 4.

A motion to reconsider was tabled.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

***House Bill No. 861** -- Taxes, Income - Converts Hall income tax to 3 percent income tax based on federal adjusted gross income, reduces sales tax by .5 percent. Amends TCA Title 67. by *Turner (Shelby), *Head. (SB1263 by *Dixon)

Rep. Head moved that House Bill No. 861 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Bill No. 899** -- Administrative Procedure - Authorizes government operations committees to suspend effectiveness of rules already in effect. Amends TCA Title 4, Chapter 5. by *Kernell. (SB1271 by *Springer)

Further consideration of House Bill No. 899 previously considered on May 20, 1999, at which time it was reset for today's Calendar.

Rep. Kernell moved that House Bill No. 899 be re-referred to the House Government Operations Committee, which motion prevailed.

House Bill No. 1422 -- Landlord and Tenant - Establishes seven days as sufficient notice to evict a residential tenant who has not paid rent, done substantial damage to premises or if tenant's or tenant's family behavior adversely affects health or safety of other tenants, landlord or landlord's representative. by *Williams (Williamson). (*SB1525 by *Ramsey, *Miller J, *Crowe)

Further consideration of House Bill No. 1422 previously considered on May 19, 1999 and May 24, 1999, at which time it was reset for today's Calendar.

On motion, House Bill No. 1422 was made to conform with **Senate Bill No. 1525**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that Senate Bill No. 1525 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1525 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following:

SECTION 1.

(a) Fourteen (14) days notice by a landlord shall be sufficient notice of termination of tenancy for the purpose of eviction of a residential tenant, if the termination of tenancy is for one (1) of the following reasons:

(1) Tenant neglect or refusal to pay rent that is due and is in arrears, upon demand;

(2) Damage beyond normal wear and tear to the premises by the tenant, members of the household, or guests; or

(3) The tenant or any other person on the premises with the tenant's consent willfully or intentionally commits a violent act or behaves in a manner which constitutes or threatens to be a real and present danger to the health, safety or welfare of the life or property of other tenants, the landlord, the landlord's representatives or other persons on the premises.

If the notice of termination of tenancy is given for one (1) of the reasons set out in subsection (a)(1) or (a)(2) and the breach is remediable by repairs or the payment of rent or damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice from the landlord, the rental agreement will not terminate. If substantially the same act or omission which constituted a prior noncompliance of which notice was given recurs within six (6) months, the landlord may terminate the rental agreement upon at least fourteen (14) days' written notice specifying the breach and the date of termination of the rental agreement.

(b) For all other defaults in the lease agreement, a thirty (30) day termination notice from the date such notice is given by the landlord shall be required for the purpose of eviction of a residential tenant.

(c) This section shall not apply to a tenancy where the rental period is for less than fourteen (14) days.

SECTION 2. Nothing in this act shall be construed to apply to rental property located in any county governed by the Uniform Residential Landlord and Tenant Act.

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Williams moved that **Senate Bill No. 1525**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1835 -- Capitol - Adds duty of developing policies regarding aesthetics of concession sales at capitol to state capitol commission. Amends TCA Title 4, Chapter 8, Part 3. by *Hargrove. (*SB1390 by *Rochelle)

Further consideration of House Bill No. 1835 previously considered on May 20, 1999 and May 24, 1999, at which time it was reset for today's Calendar.

Rep. Hargrove moved that House Bill No. 1835 be held on the Clerk's desk, which motion prevailed.

***House Bill No. 1683** -- Taxes - Enacts "Tax Relief and Fairness Act." Amends TCA Titles 9, 45, 56 and 67. by *McDaniel, *Langster, *Boyer, *DeBerry L, *DeBerry J. (SB1742 by *Atchley, *Henry, *Elsa, *Cooper)

Further consideration of House Bill No. 1683 previously considered on May 19, 1999 and May 24, 1999, at which time it was reset for today's Calendar.

Rep. McDaniel moved that House Bill No. 1683 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

House Bill No. 1637 -- Hospitals and Health Care Facilities - Requires CON applications for similar projects be reviewed simultaneously by health facilities commission; establishes notification procedures concerning letters filed after first letter of intent filed and procedure for filing written objections for opposition to CON application; prohibits certain communications from interested persons. Amends TCA Title 68, Chapter 11, Part 1. by *Eckles. (*SB1674 by *Kurita)

Rep. Eckles moved that House Bill No. 1637 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

House Bill No. 383 -- Sunset Laws - Panel on health care facilities penalties, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Kernell, *Garrett, *Brooks. (*SB154 by *Springer)

On motion, House Bill No. 383 was made to conform with **Senate Bill No. 154**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 154 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 154 By deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-220(a), is amended by adding a new item thereto, as follows:

() Panel on health care facility penalties, created by § 68-11-818;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 154**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1005** -- Civil Procedure - Revises liability on insurers and bonding companies for bad-faith failure to pay promptly; allows reasonable attorney fees in actions; allows private right of action for unfair claim settlement practices. Amends TCA Title 56, Chapter 7 and Title 56, Chapter 8. by *Briley, *Cooper B, *Towns, *Jones, S., *Harwell, *McMillan, *Head, *Robinson. (SB1129 by *Harper)

Rep. Briley moved that House Bill No. 1005 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1005 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-105(a), is amended by deleting from the first sentence the language "twenty-five percent (25%)" and by substituting instead the language "fifty percent (50%)".

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Gunnels moved the previous question, which motion failed by the following vote:

Ayes	40
Noes	47
Present and not voting	3

Representatives voting aye were: Armstrong, Baird, Bittle, Bone, Brooks, Buttry, Cole (Dyer), Curtiss, Davis (Cocke), Davis (Washington), Eckles, Ford, Fowlkes, Godsey, Gunnels, Hargett, Hargrove, Hassell, Head, Hood, Kerr, Kisber, Lewis, McDaniel, Montgomery, Mumpower, Newton, Patton, Phillips, Pleasant, Roach, Robinson, Sargent, Scroggs, Stulce, Turner (Hamilton), West, Westmoreland, Whitson, Williams -- 40.

Representatives voting no were: Arriola, Beavers, Black, Bowers, Boyer, Brown, Bunch, Caldwell, Chumney, Cole (Carter), Cooper, Davidson, Dunn, Ferguson, Fitzhugh, Fraley, Goins, Hagood, Harwell, Jackson, Jones S., Kent, Langster, Maddox, McAfee, McKee, Miller, Odom, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Sands, Sharp, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, White, Windle, Winningham, Wood -- 47.

Representatives present and not voting were: Kernell, McCord, McDonald -- 3.

After further debate, Rep. Wood moved the previous question, which motion failed by the following vote:

Ayes	49
Noes	39
Present and not voting	2

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Baird, Beavers, Bittle, Boyer, Brooks, Buttry, Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Eckles, Ford, Fowlkes, Fraley, Godsey, Gunnels, Hargett, Harwell, Hassell, Hood, Kerr, Lewis, McAfee, McCord, McDaniel, Montgomery, Mumpower, Patton, Phelan, Phillips, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Turner (Hamilton), Walker, Walley, Westmoreland, White, Whitson, Wood -- 49.

Representatives voting no were: Armstrong, Arriola, Black, Bone, Bowers, Briley, Brown, Bunch, Caldwell, Chumney, Cole (Carter), Cooper, Dunn, Ferguson, Fitzhugh, Givens, Goins, Hagood, Jackson, Jones S., Kent, Langster, Maddox, McDonald, McKee, McMillan, Miller, Odom, Pinion, Pruitt, Tidwell, Tindell, Todd, Towns, Turner (Shelby), West, Williams, Windle, Winningham -- 39.

Representatives present and not voting were: Garrett, Kernell -- 2.

After further debate, Rep. Jackson moved the previous question, which motion prevailed.

Rep. Briley moved that **House Bill No. 1005**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes	36
Noes	48
Present and not voting	8

Representatives voting aye were: Arriola, Briley, Brown, Bunch, Chumney, Cooper, Dunn, Fitzhugh, Goins, Hargrove, Harwell, Hassell, Jackson, Jones S., Kernell, Kisber, Langster, Maddox, McDonald, McMillan, Miller, Odom, Pinion, Pruitt, Rinks, Robinson, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Winningham, Mr. Speaker Naifeh -- 36.

Representatives voting no were: Armstrong, Baird, Bittle, Bone, Bowers, Boyer, Brooks, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), Eckles, Ferguson, Ford, Givens, Godsey, Gunnels, Hagood, Hargett, Hood, Kerr, Lewis, McAfee, McCord, McDaniel, Montgomery, Mumpower, Patton, Phelan, Phillips, Pleasant, Rhinehart, Roach, Sargent, Scroggs, Sharp, Todd, Walker, Walley, Westmoreland, Whitson, Windle, Wood -- 48.

Representatives present and not voting were: Beavers, Black, Fowlkes, Fraley, McKee, Newton, Ridgeway, Tidwell -- 8.

A motion to reconsider was tabled.

On motion, House Bill No. 1005 was re-referred to the House Committee on Calendar and Rules.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Bill No. 1242 -- Education - Authorizes local boards of education to maintain records of proceedings of board in electronic format. Amends TCA Section 49-2-301. by *Winningham. (*SB1322 by *Williams)

Rep. Winningham requested that House Bill No. 1242 be moved down 1 place on the Calendar.

House Bill No. 1375 -- Education - Deletes provision authorizing commissioner of education to appoint person to prepare reports required of local boards of education. Amends TCA Title 49, Chapter 2. by *Davis (Cocke), *Davidson. (*SB1265 by *Springer)

Rep. Davis (Cocke) moved that House Bill No. 1375 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1375 by deleting all of the language following the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203, is amended by adding the following new subdivision designated as (a)(1)(E):

(E) No member of any local board of education shall be eligible to be employed as a director of schools by the board on which the member served until one (1) year after the board member vacates office. No spouse of a member of any local board of education shall be eligible for employment as a director of schools by the board on which the spouse serves.

SECTION 2. Tennessee Code Annotated, Section 49-2-301(l) is amended by deleting the words "baccalaureate degree" and by substituting instead the words "masters degree in school administration".

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Davis (Cocke) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1375 by inserting the following new section immediately after Section 2 and by renumbering subsequent sections accordingly:

SECTION _____. Tennessee Code Annotated, Section 49-2-301(i) is amended by adding the following new language at the end of the subsection:

Notwithstanding anything in law or rule to the contrary, any person serving or endorsed as a superintendent or director of schools in a Tennessee local education agency as of the effective date of this act shall be qualified to serve as a superintendent or director of schools in a Tennessee local education agency. Notwithstanding anything in law or rule to the contrary, any person possessing the qualifications to serve as a superintendent or director of schools in another state shall be qualified to serve as a superintendent or director of schools in a Tennessee local education agency.

On motion, Amendment No. 2 was adopted.

Rep. Davis (Cocke) moved that **House Bill No. 1375**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1242 -- Education - Authorizes local boards of education to maintain records of proceedings of board in electronic format. Amends TCA Section 49-2-301. by *Winningham. (*SB1322 by *Williams)

Further consideration of House Bill No. 1242 previously considered on today's Calendar.

Rep. Winningham moved that House Bill No. 1242 be reset for the first Regular Calendar in February 2000, which motion prevailed.

House Bill No. 1264 -- Education - Requires school superintendents convicted of felonies to be removed from office. Amends TCA Section 49-2-301. by *Winningham. (*SB1267 by *Springer)

Rep. Winningham moved that House Bill No. 1264 be reset for the first Regular Calendar in February 2000, which motion prevailed.

House Bill No. 1176 -- Workers' Compensation - Clarifies that reconsideration in workers' compensation cases, when employee subsequently loses pre-injury employment, does not require loss of employment to be related to work injury; permits courts to also reconsider lump sum settlements. Amends TCA Title 50, Chapter 6, Part 2. by *Buck, *Jackson, *McMillan. (*SB485 by *Haynes)

Rep. McMillan moved that House Bill No. 1176 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1176 by adding the following section immediately preceding the last section and appropriately renumbering the subsequent section:

SECTION ____ Tennessee Code Annotated, Section 50-6-233(a) is amended by adding the following, appropriately designated subdivision:

(_) The commissioner shall modify Form #C32 to include a location for a health care provider to indicate temporary total disability and the point at which the employee reached maximum medical improvement.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 1176**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 926 -- Criminal Procedure - Provides additional exemption from duty of law enforcement officer to take fingerprints if fingerprints stored in electronic fingerprint imaging files of booking agency and arresting or booking officer verifies that individual's fingerprints are on file through use of single digit imaging reader. Amends TCA Title 38, Chapter 3. by *Langster, *Pruitt. (*SB492 by *Haynes)

On motion, House Bill No. 926 was made to conform with **Senate Bill No. 492**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that **Senate Bill No. 492** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 946 -- Development Districts - Authorizes community development agencies in Shelby County to act as housing authorities; exempts Shelby County from provision limiting powers of housing authority. Amends TCA Title 13, Chapter 20. by *Brooks, *Brown, *Jones, S., *DeBerry L., *Bowers, *Miller L. (*SB191 by *Dixon, *Harper)

On motion, House Bill No. 946 was made to conform with **Senate Bill No. 191**; the Senate Bill was substituted for the House Bill.

Rep. Brooks moved that **Senate Bill No. 191** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 593** -- Privacy, Confidentiality - Enacts "Video Consumer Privacy Act." Amends TCA Title 47, Chapter 18. by *DeBerry L, *Bowers. (SB799 by *Cohen, *Dixon)

On motion, House Bill No. 593 was made to conform with **Senate Bill No. 799**; the Senate Bill was substituted for the House Bill.

Rep. L. DeBerry moved that Senate Bill No. 799 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 799 by deleting the punctuation at the end of Section 5(c)(3), and by substituting instead the punctuation and language "; and", and by adding the following thereafter:

(4) to any person if the disclosure is for the exclusive use of marketing goods and services directly to the consumer, and the video tape service seller or provider has provided the consumer with the opportunity, in a clear and conspicuous manner, to prohibit such disclosure.

On motion, Consumer and Employee Affairs Committee Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **Senate Bill No. 799**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1818 -- Law Enforcement - Requires that personnel records of undercover officers remain confidential. Amends TCA Title 10, Chapter 7, Part 5. by *Westmoreland, *Sands. (*SB1243 by *Haynes)

Rep. Westmoreland moved that House Bill No. 1818 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1818 by deleting the amendatory language of SECTION 2 and substituting instead the following:

(f)(1) Personnel information of any police officer designated as working undercover may be segregated and maintained in the office of the chief law enforcement officer. Information in such file which has the potential, if released, to threaten the safety of the officer or the officer's immediate family or household members may be redacted if the chief law enforcement officer determines that its release poses such a risk.

If the person requesting the information or the officer disagrees with the determination of the chief law enforcement officer, the decision shall be reviewed in a show cause hearing in chancery court.

(2) Nothing in this subsection shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains some information made confidential by subpart (1) of this subsection.

(3) Nothing in this subsection shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions.

(4) Except as provided in subpart (1) of this subsection, nothing in this subsection shall be construed to close personnel records of public officers, which are currently open under state law.

(5) Nothing in this subsection shall be construed to limit access to information made confidential by subpart (1) of this subsection, when the employee expressly authorizes the release of such information.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Westmoreland moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1818 by adding after the first sentence of the amendatory language of Section 2, as amended, the following:

Such segregated information shall be treated as confidential under this subsection. Such segregated information is the address and home telephone number of the officer as well as the address(es) and home telephone number(s) of the members of the officer's household and/or immediate family.

On motion, Amendment No. 2 was adopted.

Rep. Westmoreland moved that **House Bill No. 1818**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1613** -- Tort Liability - Clarifies procedures for contributions of joint tort-feasors. Amends TCA Title 29, Chapter 11. by *McMillan. (SB1878 by *Crutchfield)

Further consideration of House Bill No. 1613 previously considered on May 25, 1999, at which time it was reset for today's Calendar.

Rep. McMillan moved that House Bill No. 1613 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1613 by deleting the amendatory language of SECTION 3 and substituting instead the following:

Section 29-11-103. In determining the proportionate share of the shared liability between two (2) or more tort-feasors for the same injury or wrongful death, for purposes of pursuit of contribution among tort-feasors:

(1) The reasonable amount of the settlement and the relative degree of fault of the tort-feasors and the injured party or parties in bringing about the injury or wrongful death shall be compared, and the party seeking contribution shall be entitled to recover only to the extent that the party has paid more than his or her proportionate share of the common liability, with the proportionate share to be determined solely by comparison of the relative degrees of fault of said parties.

(2) If equity requires, the collective liability of some as a group shall constitute a single proportionate share; and

(3) Principles of equity applicable to contribution generally shall apply.

FURTHER AMEND by deleting the directory language of SECTION 2 and substituting instead the following:

Tennessee Code Annotated, Section 29-11-102, is further amended by deleting the first sentence of subsection (e) and by substituting instead the following:

FURTHER AMEND by deleting from the amendatory language of SECTION 2 the language "(c) A liability insurer," and substituting instead the language "(e) A liability insurer,".

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 1613**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1134 -- Students - Prohibits strip searches and body cavity searches of school students on school property or at school sanctioned events without a search warrant; provides procedures to be followed if a strip or cavity search is conducted. Amends TCA Title 49, Chapter 6, Part 42. by *McMillan. (*SB1188 by *Cohen)

Further consideration of House Bill No. 1134 previously considered on May 25, 1999, at which time it was reset for today's Calendar.

Rep. McMillan moved that House Bill No. 1134 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***Senate Bill No. 163** -- County Boundaries - Requires each application for changing county line to be accompanied by resolution authorizing change approved by 2/3 vote of county commissioners of all counties affected by change, in addition to accurate survey and plat showing proposed changes. Amends TCA Section 5-2-104. by *Williams, *Herron. (HB272 by *Givens, *Pinion, *Roach, *Montgomery)

Further consideration of Senate Bill No. 163 previously considered on May 20, 1999, at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment No. 1, withdrew Amendment No. 2 and reset the bill for today's Calendar. The bill was also considered on May 25, 1999.

Rep. Givens moved that Senate Bill No. 163 be passed on third and final consideration.

Rep. Pinion moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 163 by deleting SECTION 2 in its entirety and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Rep. Ridgeway moved the previous question, which motion prevailed.

Rep. Givens moved that **Senate Bill No. 163**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	67
Noes	16
Present and not voting	11

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buttry, Caldwell, Cole (Carter), Davis (Cocke), DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Hagood, Hargett, Hassell, Hood, Jackson, Jones S., Kent, Kerr, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, Miller, Montgomery, Newton, Odom, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Arriola, Briley, Curtiss, Davidson, Eckles, Ford, Head, McDonald, McKee, Mumpower, Patton, Phelan, Robinson, Towns, Westmoreland, Windle -- 16.

Representatives present and not voting were: Bunch, Chumney, Cole (Dyer), Cooper, Davis (Washington), Godsey, Harwell, Jones U., McMillan, Rhinehart, Turner (Shelby) -- 11.

A motion to reconsider was tabled.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 2:00 p.m.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 99: Rep(s). Winningham, Towns and Davidson as prime sponsor(s).

House Joint Resolution No. 294: Rep(s). Davis (Washington) as prime sponsor(s).

House Joint Resolution No. 335: Rep(s). Cooper as prime sponsor(s).

House Joint Resolution No. 345: Rep(s). White as prime sponsor(s).

House Bill No. 1017: Rep(s). Boyer, Maddox, Fitzhugh, Godsey, Bittle and Harwell as prime sponsor(s).

House Bill No. 1371: Rep(s). Chumney as first prime sponsor(s).

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Bill No. 1445: Rep(s). Jackson as prime sponsor(s).

House Bill No. 1458: Rep(s). Chumney as prime sponsor(s).

House Bill No. 1587: Rep(s). Montgomery, Maddox, Pleasant and Davis (Washington) as prime sponsor(s).

House Bill No. 1751: Rep(s). Bunch as prime sponsor(s).

House Bill No. 1847: Rep(s). Todd as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). U. Jones was/were removed as sponsor(s) of **House Bill No. 1371**.

**MESSAGE FROM THE SENATE
May 26, 1999**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 917, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 26, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 810; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 26, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1395; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 26, 1999**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1445; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1564; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 454; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 951; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.1

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 468; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 468 -- Memorials, Retirement - Bo Townsend. by *Burchett, *Atchley.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1645; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 69, 285, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, 306 and 307; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 185, 213, 265, 266, 267, 269, 271, 272, 273, 275, 280 and 281; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 26, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 185, 213, 265, 266, 267, 269, 271, 272, 273, 275, 280, 281; also, House Resolution(s) No(s). 92 and 94.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 26, 1999

The Speaker signed the following: House Joint Resolution(s) No(s). 185, 213, 265, 266, 267, 269, 271, 272, 273, 275, 280, 281; also, House Resolution(s) No(s). 92 and 94.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 431, 432, 433, 434, 435, 436, 437, 438, 444, 462, 463, 464, 465, 471, 482, 483 and 484; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 431 -- Memorials, Personal Occasion - John and Mary Grandstaff, 50th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 432 -- Memorials, Retirement - Sarah Taylor. by *Haynes.

Senate Joint Resolution No. 433 -- Memorials, Retirement - Nancy Cragon. by *Haynes.

Senate Joint Resolution No. 434 -- Memorials, Retirement - Bill Wallace. by *Rochelle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 435 -- Memorials, Recognition - Cookeville FFA. by *Burks, *Haun.

Senate Joint Resolution No. 436 -- Memorials, Recognition - South Greene FFA. by *Burks, *Haun.

Senate Joint Resolution No. 437 -- Memorials, Recognition - Chucky Doak FFA. by *Burks, *Haun.

Senate Joint Resolution No. 438 -- Memorials, Recognition - West Greene FFA. by *Burks, *Haun.

Senate Joint Resolution No. 444 -- Memorials, Interns - Duane Maynard Lowe. by *Womack.

Senate Joint Resolution No. 462 -- Memorials, Interns - Sandra D. Zerr. by *Womack.

Senate Joint Resolution No. 463 -- Memorials, Interns - Lori Ann Bradford. by *Ford J, *Harper, *Dixon.

Senate Joint Resolution No. 464 -- Memorials, Interns - Charles Frank Davis. by *Springer.

***Senate Joint Resolution No. 465** -- Highway Signs - "Meriwether Lewis Memorial Highway," S.R. 20 in Lewis County. by *Springer.

Senate Joint Resolution No. 471 -- Memorials, Personal Occasion - Sandi Jones, birthday. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 482 -- Memorials, Academic Achievement - Brooke Hagy, 1999 Salutatorian, University School, Johnson City. by *Crowe.

Senate Joint Resolution No. 483 -- Memorials, Academic Achievement - Ryan David Robinson, University School Valedictorian. by *Crowe.

Senate Joint Resolution No. 484 -- Memorials, Academic Achievement - Gordon Thompson, Valedictorian, University School, Johnson City. by *Crowe.

**SIGNED
May 26, 1999**

The Speaker signed the following: Senate Bill(s) No(s). 489.

ENGROSSED BILLS

May 26, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 390, 948, 1176, 1375, 1613, 1792, 1818, 1936, 1982, 1992, 1994, 1996, 1997, 1998, also, House Joint Resolution(s) No(s) 46, 227, 231, 253, 256, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331 and 332.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1751; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 26, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 69, 101, 121, 285, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, 306, 307; also, House Resolution(s) No(s). 93 and 95.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 26, 1999

The Speaker signed the following: House Joint Resolution(s) No(s). 69, 101, 121, 285, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, 306, 307; also, House Resolution(s) No(s). 93 and 95.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 69, 101, 121, 285, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, 306 and 307; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

May 26, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 69, 101, 121, 285, 286, 287, 288, 289, 290, 291, 292, 293, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, 306 and 307.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 185, 213, 265, 266, 267, 269, 271, 272, 273, 275, 280 and 281; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 26, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 185, 213, 265, 266, 267, 269, 271, 272, 273, 275, 280 and 281.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 46, 231, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331 and 332; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343 and 344; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 26, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1473, 1611 and 1666; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1473** -- State Employees - Redefines "state employee" for purpose of defense of state employees. Amends TCA Title 8, Chapter 42, Part 1. by *Haynes, *McNally. (HB1547 by *Buck, *Sands, *Pinion, *McMillan)

Senate Bill No. 1611 -- Taxes, Inheritance Gift - Rewrites estate and inheritance tax laws. Amends TCA Sections 67-1-1403, 67-1-1501, 67-1-1802, 67-8-101, 67-8-117, 67-8-501 and 67-8-605. Repeals TCA Title 67, Chapter 8, Parts 2 through 4. by *McNally, *Atchley. (*HB1127 by *Baird, *Boyer)

Senate Bill No. 1666 -- Abuse - Changes reporting to general assembly on certain child abuse reports from district attorneys to department of children's services; specifies data to be collected and reported; sets reporting times; establishes child protection team status for child advocacy center staff and volunteers for certain functions. Amends TCA Section 9-6-123 and Title 37, Chapter 1, Part 6. by *Henry. (*HB1458 by *Ridgeway, *Chumney, *Buttry, *Montgomery)

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 26, 1999:

House Resolution No. 96 -- Memorials, Interns - Parris Mitchel. by *Brooks.

House Resolution No. 97 -- Memorials, Interns - Jennifer Elaine Kaneer. by *Naifeh.

House Resolution No. 98 -- Memorials, Interns - James Vernon Thompson. by *Naifeh.

House Resolution No. 99 -- Memorials, Interns - Norris Lee Clark. by *Davidson, *Winningham, *Davis (Washington), *Rinks.

House Resolution No. 100 -- Memorials, Recognition - Thomas Kincade. by *Jackson.

House Resolution No. 101 -- Memorials, Recognition - Laveda Derryberry Reeves. by *McDaniel.

House Resolution No. 102 -- Memorials, Recognition - Kingston, Bicentennial celebration. by *Ferguson, *Caldwell.

House Joint Resolution No. 333 -- Memorials, Retirement - Bobby Weeks. by *West.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 334 -- Memorials, Interns - Cynthia Williams. by *Dunn.

House Joint Resolution No. 335 -- Memorials, Sports - 1998-1999 LeMoyné-Owen College men's basketball team. by *Miller L, *DeBerry L, *Towns, *Brooks, *Cooper B.

House Joint Resolution No. 336 -- Memorials, Academic Achievement - MaKecha Trish Marlow, Campbell County High School, Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 337 -- Memorials, Academic Achievement - Jill Marie Parrott, Valedictorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 338 -- Memorials, Academic Achievement - Jeanne Suzanne White, Salutatorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 339 -- Memorials, Academic Achievement - Natasha Dawn Milton, Campbell County High School, Salutatorian. by *Goins, *Baird.

House Joint Resolution No. 340 -- Memorials, Academic Achievement - Ashleigh Louise Ward, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 341 -- Memorials, Interns - Jacquelyn Kelly. by *Hargrove.

House Joint Resolution No. 342 -- Memorials, Interns - Rebecca Philip. by *Hargrove.

House Joint Resolution No. 343 -- Memorials, Interns - Jonathan P. Moore, House Page. by *Hargrove.

House Joint Resolution No. 344 -- Memorials, Recognition - Laveda Derryberry Reeves. by *McDaniel.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

ROLL CALL DISPENSED WITH

On motion of Rep Maddox, the roll call was dispensed with.

SUPPLEMENTAL CONSENT CALENDAR

***House Joint Resolution No. 264** -- Highway Signs - "Dr. Shelby O. Turner Highway," U.S. 127, one mile section which extends from Wilder Road south to Little Road. by *Windle.

***Senate Joint Resolution No. 100** -- Memorials, Congress - Urges correction of inequity in Medicare/TennCare reimbursement for ambulance services. by *McNally.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

***House Bill No. 59** -- Tennessee Valley Authority - Increases from 20 to 30 percent cap on TVA in lieu of tax impact funds which may be allocated to University of Tennessee for operation of CTAS Amends TCA Title 67, Chapter 9, Part 1. by *Rhinehart, *Curtiss. (SB78 by *Rochelle)

***House Bill No. 1991** -- Solid Waste Disposal - Subject to local approval, regulates the disposal of solid waste by non-residents in Van Buren County. Amends TCA Section 68-211-851(d). by *Rhinehart.

***Senate Joint Resolution No. 279** -- General Assembly, Statement of Intent or Position - Urges THDA to assess and improve suitability, safety, and affordability of housing for mentally ill. by *Rochelle, *Burchett, *Dixon.

***Senate Joint Resolution No. 282** -- Highway Signs - "Templeton Way," segment of U.S. 41-A and S.R. 56 in Franklin County. by *Cooper.

***House Bill No. 1859** -- Energy - Transfers office of energy management from department of general services to department of finance and administration, as to functions related to energy management plan for state owned buildings and facilities; deletes certain reporting functions of office of energy management. Amends TCA Title 4, Chapter 3. by *McKee, *McDaniel. (SB1780 by *Leatherwood)

On motion, House Bill No. 1859 was made to conform with **Senate Bill No.1780**; the Senate Bill was substituted for the House Bill.

House Resolution No. 96 -- Memorials, Interns - Parris Mitchel. by *Brooks.

House Resolution No. 97 -- Memorials, Interns - Jennifer Elaine Kaneer. by *Naifeh.

House Resolution No. 98 -- Memorials, Interns - James Vernon Thompson. by *Naifeh.

House Resolution No. 99 -- Memorials, Interns - Norris Lee Clark. by *Davidson, *Winningham, *Davis (Washington), *Rinks.

House Resolution No. 100 -- Memorials, Recognition - Thomas Kincade. by *Jackson.

House Resolution No. 101 -- Memorials, Recognition - Laveda Derryberry Reeves. by *McDaniel.

House Resolution No. 102 -- Memorials, Recognition - Kingston, Bicentennial celebration. by *Ferguson, *Caldwell.

House Joint Resolution No. 333 -- Memorials, Retirement - Bobby Weeks. by *West.

House Joint Resolution No. 334 -- Memorials, Interns - Cynthia Williams. by *Dunn.

House Joint Resolution No. 335 -- Memorials, Sports - 1998-1999 LeMoyne-Owen College men's basketball team. by *Miller L, *DeBerry L, *Towns, *Brooks, *Cooper B.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

House Joint Resolution No. 336 -- Memorials, Academic Achievement - MaKecha Trish Marlow, Campbell County High School, Valedictorian. by *Baird, *Goins.

House Joint Resolution No. 337 -- Memorials, Academic Achievement - Jill Marie Parrott, Valedictorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 338 -- Memorials, Academic Achievement - Jeanne Suzanne White, Salutatorian, Campbell County High School. by *Goins, *Baird.

House Joint Resolution No. 339 -- Memorials, Academic Achievement - Natasha Dawn Milton, Campbell County High School, Salutatorian. by *Goins, *Baird.

House Joint Resolution No. 340 -- Memorials, Academic Achievement - Ashleigh Louise Ward, Valedictorian, Campbell County High School. by *Baird, *Goins.

House Joint Resolution No. 341 -- Memorials, Interns - Jacquelyn Kelly. by *Hargrove.

House Joint Resolution No. 342 -- Memorials, Interns - Rebecca Philip. by *Hargrove.

House Joint Resolution No. 343 -- Memorials, Interns - Jonathan P. Moore, House Page. by *Hargrove.

House Joint Resolution No. 344 -- Memorials, Recognition - Laveda Derryberry Reeves. by *McDaniel.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 59: by Rep. Cooper

House Joint Resolution No. 264: by Rep. Windle

Under the rules, House Bill No. 59 and House Joint Resolution No. 264 was/were placed at the foot of the calendar for May 27, 1999.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR

***House Bill No. 1862** -- Tort Liability - Immunizes state government from tort claims arising out of data calculation errors caused by any computer system or software program's inability to process year 2000 date. Amends TCA Title 29, Chapter 20, and Title 9, Chapter 8, Part 3. by *Scroggs. (SB1783 by *Crowe)

On motion, House Bill No. 1862 was made to conform with **Senate Bill No. 1783**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that Senate Bill No. 1783 be passed on third and final consideration.

On motion, Rep. Jackson withdrew Judiciary Committee Amendment No. 1.

Rep. Scroggs moved that **Senate Bill No. 1783** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Kernell -- 1.

Representatives present and not voting were: Brooks, Brown, Cooper, Hargett -- 4.

A motion to reconsider was tabled.

***House Bill No. 938** -- Sewage - Establishes policies, procedures and requirements for utilization of single-home on-site aerobic sewage treatment plants without field line systems for final disposal. Amends TCA Title 68, Chapter 221. by *Arriola. (SB1239 by *Haynes, *Rochelle)

Rep. Arriola moved that House Bill No. 938 be passed on third and final consideration.

Rep. Arriola moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 938 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. There is hereby created a special joint study committee to study issues relative to on-site sewage treatment systems.

SECTION 2. The special joint study committee shall consist of six (6) members, as follows: three (3) members of the Senate, appointed by the Speaker of the Senate; and three (3) members of the House of Representatives, appointed by the Speaker of the House.

SECTION 3. All legislative members of the special committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

SECTION 4. The special committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

SECTION 5. The special committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the Senate and House Environment Committees no later than February 1, 2000, at which time the committee shall cease to exist.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

On motion, Amendment No. 1 was adopted.

On motion, Rep. Ridgeway withdrew Conservation and Environment Committee Amendment No. 1 as House Amendment No. 2.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 938 by deleting the period "." at the end of Section 1 of the bill, as amended by House Conservation and Environment Committee Amendment No. 1, and by inserting the following language:

"and water and sewer utility practices regarding apartment submetering."

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Arriola moved that **House Bill No. 938**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Sargent, Williams -- 2.

A motion to reconsider was tabled.

House Bill No. 1371 -- Planning, Public - Transfers remaining interstate right-of-way property in Memphis acquired for cancelled connector to Memphis for redevelopment as parkway and urban residential development. Amends TCA Section 12-2-112. by *Chumney. (*SB796 by *Cohen)

Rep. Chumney requested that House Bill No. 1371 be moved to the heel of the Message Calendar.

***House Bill No. 1017** -- Teachers, Principals and School Personnel - Requires that applicants for teaching positions pay cost of criminal background checks, rather than LEA paying such costs. Amends TCA Section 49-5-413. by *Jackson, *McMillan, *Davidson, *Boyer, *Maddox, *Fitzhugh, *Godsey, *Bittle, *Harwell. (SB1343 by *Springer, *Burks, *Rochelle)

Rep. Jackson moved that House Bill No. 1017 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1017 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-413, is amended in subsection (a) by deleting the word "may" and by substituting instead the word "shall".

SECTION 2. Tennessee Code Annotated, Section 49-5-413, is further amended by deleting subsection (b) in its entirety and by substituting instead the following new subsection:

(b) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting such investigations of applicants shall be paid by the applicant the first time such applicant applies for a position with a local board of education. The applicant shall be provided a copy of all criminal history records check documentation provided to the local board of education to which the applicant first applies. In lieu of additional criminal history records checks for subsequent applicants, the applicant may submit copies of the applicant's initial criminal history records check documentation and shall not be required to pay any additional costs. Any local board of education may reimburse the applicant for the costs of the investigation if the applicant accepts a position as a teacher or any other position requiring proximity to school children.

SECTION 3. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Godsey moved the previous question, which motion failed by the following vote:

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Ayes	56
Noes	32
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Buttry, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Eckles, Garrett, Godsey, Gunnels, Hargett, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kisber, McAfee, McCord, McDaniel, McKee, McMillan, Montgomery, Mumpower, Newton, Phelan, Pinion, Pruitt, Rinks, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Todd, Turner (Hamilton), Walley, West, Whitson, Williams, Windle, Winningham, Wood - 56.

Representatives voting no were: Armstrong, Bittle, Brown, Bunch, Caldwell, Chumney, Cooper, DeBerry J., Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Hagood, Jones U., Kerr, Lewis, Maddox, McDonald, Miller, Odom, Patton, Pleasant, Rhinehart, Sands, Tidwell, Tindell, Towns, Turner (Shelby), Walker, White -- 32.

Representatives present and not voting were: Kernell -- 1.

After further debate, Rep. Hargett moved the previous question, which motion prevailed by the following vote:

Ayes	64
Noes	23
Present and not voting	3

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buttry, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Eckles, Ford, Fowlkes, Godsey, Gunnels, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Todd, Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood -- 64.

Representatives voting no were: Armstrong, Brown, Bunch, Caldwell, Cooper, DeBerry J., Dunn, Ferguson, Fitzhugh, Fraley, Givens, Jones U., Maddox, McCord, Miller, Odom, Pleasant, Rhinehart, Tidwell, Tindell, Towns, Turner (Shelby), Westmoreland -- 23.

Representatives present and not voting were: Hagood, Kernell, Turner (Hamilton) -- 3.

Rep. Jackson moved that **House Bill No. 1017**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	80
Noes	15
Present and not voting	1

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Chumney, Cole (Carter), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Caldwell, Cole (Dyer), Cooper, Ferguson, Fraley, Givens, McCord, Montgomery, Rinks, Sands, Tidwell, Towns, Turner (Shelby), Westmoreland, White -- 15.

Representatives present and not voting were: DeBerry L. -- 1.

A motion to reconsider was tabled.

House Bill No. 1527 -- Salaries and Benefits - Grants cost-of-living salary increase to all state employees annually, such increase to be equal to increase in consumer price index (all items, city index). Amends TCA Title 8, Chapter 23. by *Jones U (Shelby), *Williams (Williamson), *Langster, *Pruitt, *Jones, S., *McDonald, *DeBerry J., *Pinion, *Ridgeway, *Fitzhugh, *White, *Sands, *McMillan, *Eckles, *Briley, *Windle, *Lewis, *Turner (Hamilton), *DeBerry L, *Whitson, *Givens, *Head. (*SB1617 by *Springer, *Crutchfield)

Rep. Head moved that House Bill No. 1527 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Bill No. 1191** -- Taxes, Business - Prohibits imposition of business tax by county and/or municipality where business is domiciled on work performed in jurisdiction outside county or municipality of domicile. Amends TCA Title 67, Chapter 4, Part 7. by *Cole (Dyer), *Rinks, *Kent, *Phelan. (SB1626 by *Rochelle, *Davis L, *Haun)

Rep. Cole (Dyer) moved that House Bill No. 1191 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Bill No. 1587** -- Agriculture - Establishes special FFA endowment funds in Tennessee FFA Foundation, Inc. and commits state to match up to \$600,000 in endowment funds in such foundation. by *Hargrove, *Buck, *Caldwell, *Davidson, *Fraley, *Bone, *Ford S, *Ferguson, *Bowers, *Givens, *Walker (Rhea), *Baird, *Goins, *Todd, *Roach, *Sands, *Montgomery, *Maddox, *Pleasant, *Davis (Washington). (SB1843 by *Haun, *Rochelle, *Davis L, *Burks)

Rep. Hargrove moved that House Bill No. 1587 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1587 by deleting Section 2 of the printed bill and substituting the following new Section 2:

SECTION 2. The Tennessee FFA Foundation, Inc. is eligible to receive appropriations for its endowment fund from the state general fund subject to the following conditions:

(1) Neither an appropriation nor the income therefrom may be spent for any organization other than the Tennessee FFA Foundations, Inc.;

(2) Any appropriation shall be released to such foundation only as a dollar-for-dollar match of private contributions to the endowment fund; and

(3) Any appropriation shall not revert to the general fund at the end of any fiscal year prior to June 30, 2005, but shall be carried over from year to year for the purpose of accomplishing the provisions of this part.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 1587**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1522 -- Salaries and Benefits - Increases compensation of state employees; appropriates sum sufficient to fund increases. Amends TCA Title 8, Chapter 23, Part 1, by *Eckles, *Williams (Williamson), *Langster, *DeBerry L, *Givens, *Windle, *Odum, *Arriola, *Head. (*SB860 by *Henry)

Rep. Head moved that House Bill No. 1522 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1522 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotate, Section 8-23-101, is amended by adding the following as a new subsection (g):

(g) Notwithstanding the provisions of sections 8-7-201, 8-7-226, 8-14-207 or 40-30-309, or any other provision of law to the contrary, on and after June 30, 1999, the salary levels for any state employees or officials receiving compensation pursuant to sections 8-7-201, 8-7-226, 8-14-207 or 40-30-309 shall not be adjusted for step increases unless funds are specifically appropriated and allocated for such purposes by the general assembly in the general appropriations act.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 1522**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives present and not voting were: Bone, McDonald, West -- 3.

A motion to reconsider was tabled.

***House Bill No. 1479** -- Claims Commission, Tennessee - Redefines "state employees" to add board members, staff and volunteers of child advocacy centers that meet start-up or continuation funding requirements under TCA 9-6-123 and perform certain duties, for certain defense and claims commission purposes; does not apply to contractual and percentage basis employees, nor does it confer any other type of benefit. Amends TCA Title 8, Chapter 42, Part 1. by *Jones, S.. (SB1880 by *Crutchfield)

On motion, House Bill No. 1479 was made to conform with **Senate Bill No. 1880**; the Senate Bill was substituted for the House Bill.

Rep. S. Jones moved that Senate Bill No. 1880 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1880 by deleting the language "a board member," and "member or volunteer" in the first sentence of Section 1 of the printed bill.

AND FURTHER AMEND by deleting the language "board members," and "and volunteers" in the third sentence of Section 1 of the printed bill.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. S. Jones moved that **Senate Bill No. 1880**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1847** -- Probation and Parole - Clarifies offenses for which concurrence of four members of board of probation and parole needed for grant of parole; adds certain new provisions concerning grant or rescission of parole. Amends TCA Title 40, by *McKee, *Todd. (SB1769 by *Fowler)

On motion, House Bill No. 1847 was made to conform with **Senate Bill No. 1769**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that Senate Bill No. 1769 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1769 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Any costs associated with implementing the provisions of this act shall be paid for with funds that have been appropriated to the board of probation and parole.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. McKee moved that **Senate Bill No. 1769**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	1
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

Representatives present and not voting were: DeBerry L. -- 1.

A motion to reconsider was tabled.

***House Bill No. 1458** -- Abuse - Changes reporting to general assembly on certain child abuse reports from district attorneys to department of children's services; specifies data to be collected and reported; sets reporting times; establishes child protection team status for child advocacy center staff and volunteers for certain functions. Amends TCA Section 9-6-123 and Title 37, Chapter 1, Part 6. by *Ridgeway, *Chumney, *Buttry, *Montgomery. (SB1666 by *Henry)

Rep. Ridgeway moved that House Bill No. 1458 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

***House Joint Resolution No. 221** -- General Assembly, Studies - Requires house select committee on children and youth to study special education service delivery for children with autism issues. by *Odom.

Rep. Odom moved that House Joint Resolution No. 221 be adopted.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 221 by deleting all resolving clauses of the introduced resolution and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the House Select Committee on Children and Youth shall study special education service delivering for children with autism and other issues relative to autism as delineated in the preamble of this resolution.

BE IT FURTHER RESOLVED, That the select committee shall appoint an advisory panel to assist the committee in its studies. Such panel shall include representation from the education field, medical/behavioral health advocacy arenas and consumers, i.e. the parents of autistic children.

BE IT FURTHER RESOLVED, That in its deliberations, the committee shall give special consideration to the following issues: (1) development of an appropriate and diverse continuum of services and supports for autistic children and families, including development of a residential treatment center if that need is evidenced; and (2) determining and assigning responsibility to proper payor sources (MCOs, BHOs, school budgets, and private insurance) for the delivery of special education and rehabilitation services for autistic children.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the committee upon request of the chair.

BE IT FURTHER RESOLVED, That the committee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred Second General Assembly, no later than February 1, 2001.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Joint Resolution No. 221**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

***House Joint Resolution No. 252** -- General Assembly, Studies - Creates special house committee to study state government's implementation of Americans with Disabilities Act (ADA). by *Chumney.

Rep. Chumney moved that House Joint Resolution No. 252 be adopted on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 252 by deleting all resolving clauses of the introduced resolution and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the state government subcommittee of the state and local government committee of the house shall study and review state policies and procedures relative to the implementation of the Americans with Disabilities Act (ADA) to determine if such policies and procedures are in compliance with federal and state laws, or are conversely discriminatory against persons with disabilities.

BE IT FURTHER RESOLVED, That the chair of the house committee on children and youth shall be included as a member of the subcommittee for purposes of the study and review set forth herein.

BE IT FURTHER RESOLVED, That the subcommittee shall conduct such study with a view toward recommending revisions in state ADA policies and procedures that may be discriminatory against persons with disabilities.

BE IT FURTHER RESOLVED, That upon request of the chair, all appropriate state agencies shall cooperate with and provide assistance to the subcommittee, including the provision of reports and information on state ADA policies and procedures and the implementation and enforcement of such policies and procedures.

BE IT FURTHER RESOLVED, That the subcommittee shall timely report its findings and recommendations, including any proposed legislation or interim reports, to the One Hundred First General Assembly no later than January 15, 2000.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Joint Resolution No. 252**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Bunch -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 454** -- Consumer Protection - Makes it deceptive act under Consumer Protection Act for supplier of goods or services to misrepresent geographic location of supplier by listing local telephone number in local telephone directory under certain conditions. Amends TCA Title 47, Chapter 18, Part 1. by *McDonald, *Black, *Bone, *Davidson, *Fowlkes, *Arriola, *West, *Hargett, *Pleasant. (SB444 by *Graves, *Cohen, *Harper)

Senate Amendment No. 3

AMEND House Bill No. 454 By deleting from the amendatory language of Section 2 the word "and" at the end of subsection (C).

AND FURTHER AMEND by deleting from the end of subsection (D) the period "(.)" and by substituting instead the language "; and".

AND FURTHER AMEND by adding as a new subsection (E) the following:

(E) The supplier does not have a business location or branch, or an affiliate, subsidiary, or agent of the supplier does not have a business location or branch, in the local calling area or county contiguous to the local calling area.

Senate Amendment No. 4

AMEND House Bill No. 454 By deleting the word "supplier" wherever it appears in the amendatory language of Section 2, as amended, and by substituting instead the word "florist", and by deleting the word "supplier's" wherever it appears in such section, and by substituting instead the word "florist's".

Senate Amendment No. 5

AMEND House Bill No. 454 By deleting in its entirety the definition of "Local telephone directory" from the amendatory language of Section 1, and by substituting instead the following definition:

() "Local telephone directory" means a telephone directory that is distributed by a telephone company or directory publisher to subscribers located in the local exchanges contained in the directory. Such term includes:

(1) A classified advertising directory, commonly referred to as the yellow pages, and/or;

(2) A directory of individual phone listings, commonly referred to as the white pages, whether identified as the "business listings" or combined listings of residences and businesses in a directory which does not have a separate residence and business listing; and

(3) A directory that includes listings of more than one (1) telephone company.

Senate Amendment No. 6

AMEND House Bill No. 454 By deleting the language "the classified advertising section of" from the amendatory language of Section 2 added by House Amendment NO. 1.

Rep. McDonald moved that the House concur in Senate Amendment(s) No(s). 3, 4, 5 and 6 to **House Bill No. 454**, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 530** -- Consumer Protection - Adds provisions to limit unsolicited advertising by electronic mail (anti-spamming). Amends TCA Title 47, Chapter 18. by *Hargrove, *Bowers, *Hargett, *Pleasant, *Langster, *Kisber, *Hagood, *Todd, *Boyer. (SB690 by *Kyle, *Burchett, *Cohen, *Person, *Burks, *Harper, *Crowe)

Further consideration of House Bill No. 530 previously considered on May 25, 1999, at which time it was reset for today's Message Calendar.

**CONFERENCE COMMITTEE REPORT
ON HOUSE BILL NO. 530**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 530 (Senate Bill No. 690) has met and recommends that the following amendments be deleted:

House Amendment No. 1 and Senate Amendments Nos. 1, 2 and 3.

The Committee further recommends that all language following the enacting clause, including those amendments noted above, be deleted and that the following language be substituted instead:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding Sections 2 and 3 of this act as a new part.

SECTION 2.

(a) No person or entity conducting business in this state shall facsimile (fax) or cause to be faxed, or e-mail or cause to be e-mailed, documents consisting of unsolicited advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit unless that person or entity shall establish a toll-free telephone number or return e-mail address that a recipient of the unsolicited faxed or e-mailed documents may call to notify the sender not to fax or e-mail the recipient any further unsolicited documents.

(b) All unsolicited faxed or e-mail documents subject to this section shall include a statement informing the recipient of the toll-free telephone number that the recipient may call, or a valid return address to which the recipient may write or e-mail, as the case may be, notifying the sender not to fax or e-mail the recipient any further unsolicited documents to the fax number, or numbers, or addresses, specified by the recipient.

In the case of faxed material, the statement shall be in at least nine (9) point type.

(c) Upon notification by a recipient of his or her request not to receive any further unsolicited faxed or e-mailed documents, no person or entity conducting business in this state shall fax or cause to be faxed or e-mail or cause to be e-mailed any unsolicited documents to that recipient.

(d) In the case of e-mail, that person or entity shall establish a toll-free telephone number or valid sender operated return e-mail address that the recipient of the unsolicited documents may call or e-mail to notify the sender not to e-mail any further unsolicited documents.

(e) In the case of e-mail that consists of unsolicited advertising material for the lease, sale, rental, gift offer or other disposition of any realty, goods, services or extension of credit, the subject line of each and every message shall include "ADV:" as the first four (4) characters. If these messages contain information that consists of unsolicited advertising material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit, that may only be viewed, purchased, rented, leased, or held in possession by an individual eighteen (18) years of age and older, the subject line of each and every message shall include "ADV:ADLT" as the first eight (8) characters.

(f) In the case of unsolicited bulk e-mail, this section shall apply when the unsolicited e-mailed documents are delivered to a Tennessee resident via an electronic mail service provider's service or equipment located in this state. For these purposes "electronic mail service provider" means any business or organization qualified to do business in this state that provides individuals, corporations, or other entities the ability to send or receive electronic mail through equipment located in this state and that is an intermediary in sending or receiving electronic mail.

(g) It shall be unlawful for any person to sell, give or otherwise distribute or possess with the intent to sell, give or distribute software which (1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(h) As used in this section, "fax" or "cause to be faxed" or "e-mail" or "cause to be e-mailed" does not include or refer to the transmission of any documents by the telecommunications utility or Internet service provider to the extent that the telecommunications utility or Internet service provider merely carries that transmission over its network.

(i) Any person whose property or person is injured by reason of a violation of any provision of this article may sue therefor and recover for any damages sustained, and the costs of such suit. Without limiting the generality of the term, "damages" shall include loss of profits.

(1) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the lesser of ten dollars (\$10.00) for each and every unsolicited bulk electronic mail message transmitted in violation of this article, or five thousand dollars (\$5,000) per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmit the unsolicited bulk electronic mail over its computer network.

(2) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the greater of ten dollars (\$10.00) for each and every unsolicited bulk electronic mail message transmitted in violation of this article, or five thousand dollars (\$5,000) per day.

(3) At the request of any party to an action brought pursuant to this section, the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any party.

(4) The provisions of this article shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(j) The provisions of this section shall not be construed to restrict or apply to constitutionally protected communications to and from citizens and their elected representatives.

(k) This section, or any part of this section, shall become inoperative on and after the date that federal law is enacted that prohibits or otherwise regulates the transmission of unsolicited advertising by electronic mail (e-mail).

SECTION 3. For purposes of this act:

(1) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through the communications facilities.

(2) "Without authority" means a person uses the computer network of an electronic mail service provider to transmit unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Jim Kyle
Senator Jerry Cooper
Senator Tim Burchett

Representative Jim Boyer
Representative Jere Hargrove
Representative Edith Langster

Rep. Hargrove moved that the report of the Conference Committee on **House Bill No. 530** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eccles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 810** -- Managed Care Organizations - Requires certain disclosures of directors and others involved with MCOs in TennCare program. Amends TCA Title 56 and Title 71. by *Kisber, *Eccles, *Turner (Hamilton), *Stulce, *Whitson, *Davis (Cocke), *Pleasant. (SB1107 by *Cooper)

Rep. Kisber moved that House Bill No. 810 be reset for the Message Calendar on May 27, 1999, which motion prevailed.

MOTION TO RECONSIDER

Rep. Hargrove moved to lift from the table the motion to reconsider Senate Bill No. 917, which motion prevailed.

***Senate Bill No. 917** -- Business Organizations - Revises and makes technical corrections to LLC statute. Amends TCA Title 48. by *Rochelle, *Kyle. (HB992 by *Hargrove)

Rep. Hargrove moved to reconsider action in passing Senate Bill No. 917, which motion prevailed.

Rep. Hargrove moved that Senate Bill No. 917 be passed on third and final consideration.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 917 by deleting Section 4 of the printed bill and by appropriately renumbering subsequent sections.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **Senate Bill No. 917**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 951** -- Human Rights - Removes any member of board of human rights commission for being absent from three meetings of board during one year period; requires establishment of toll-free hotline to report discriminatory practices. Amends TCA Title 4, Chapter 21. by *Brooks, *DeBerry L. (SB1075 by *Kyle, *Cohen)

Senate Amendment No. 1

AMEND House Bill No. 951 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. There is hereby created the joint task force on human rights. The members of the task force shall be composed of the deputy governor, commissioner of finance and administration, commissioner of economic and community development, comptroller of the treasury, attorney general and reporter, chair of the human rights commission, chairs of the finance ways and means committees of the house and senate, chairs of the state and local committees of the house and senate, chair of the caucus of black legislators, and two (2) members of the house and senate appointed by the respective speakers thereof. The office of the comptroller of the treasury shall provide staff assistance to the task force.

SECTION 2. The purpose of the task force is to undertake a review of the purposes, activities and operations of the human rights commission created by Tennessee Code Annotated, Section 4-21-201, and to develop its recommendations relative thereto. The task force shall make its recommendations to the governor and the general assembly not later than January 15, 2000. The task force's findings and recommendations should include its estimates of the budget resources necessary for the human rights commission to fulfill its mission.

SECTION 3. In conducting its review, the task force should solicit input from current and former members and staff of the human rights commission; federal funding entities; members of the general public; audit reports relative to the operations of the human rights commission; information from other states; and, any other sources as may be deemed appropriate by the task force. Each state agency shall, upon request, cooperate with requests for information and/or assistance from the task force.

SECTION 4. The legislative members of the task force shall be entitled per diem and expenses as otherwise provided by law.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Brooks moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 951**, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1395 -- Probate Law - Revises law of probate, wills, guardians, conservators, trustees and inheritance, estate and gift taxes. Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35 and Title 67. by *Fowlkes. (*SB526 by *Fowler)

Senate Amendment No. 3

AMEND House Bill No. 1395 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 30-2-601, is amended by deleting the colon ":" at the end of the first paragraph of subsection (b) and substituting instead the following:

; except that no statement acknowledging receipt shall be required of a distributee who is also the personal representative:

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1395**, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1445 -- Criminal Procedure - Provides for expungement of public records concerning orders of protection that were denied by court upon petition to court having jurisdiction in such action. Amends TCA Title 36, Chapter 3, Part 6 and Title 40, Chapter 32, Part 1. by *Buck, *Towns, *Jackson. (*SB759 by *Burchett)

Rep. Jackson requested that House Bill No. 1445 be moved to the heel of the Message Calendar.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1564** -- Psychologists - Authorizes board of examiners in psychology to issue limited licenses to practice as health care providers; such licensees shall practice under supervision of psychologists licensed in Tennessee; permits 30 day reciprocity for persons so licensed Amends TCA Title 63, Chapter 11, Part 2. by *Walley. (SB1834 by *Graves)

Senate Amendment No. 2

AMEND House Bill No. 1564 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Title 63, Chapter 11, Part 2, is amended by adding the following section to be appropriately designated:

Section ____ Community Mental Health Centers as defined in Tennessee Code Annotated, Section 33-1-101(23), institutes, or governmental agencies and those qualifying psychologists employing psychologists with temporary or provisional licenses shall be eligible to receive third party reimbursement from any managed care plan or third party payor for usual and customary professional services rendered by the employed psychologist with a provisional or temporary license.

Rep. Walley moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1564**, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1645** -- Medical Occupations - Revises Occupational and Physical Therapy Practice Act. Amends TCA Title 63. by *McDaniel. (SB1759 by *Kurita)

Senate Amendment No. 1

AMEND House Bill No. 1645 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 13, Part 1, is amended by deleting such part in its entirety and by substituting instead Sections 2 through 10 as new Part 1.

SECTION 2. This chapter shall be known and may be cited as the "Occupational and Physical Therapy Practice Act."

SECTION 3. This chapter is enacted for the purposes of protecting the public health, safety, and welfare and providing for state administrative control, supervision, licensure and regulation of the practice of physical therapy and occupational therapy. It is the legislature's intent that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy and occupational therapy as authorized by this chapter. This chapter is intended to promote the public interest and to accomplish the purposes stated herein.

SECTION 4. As used in this chapter, unless the context otherwise requires:

"Board" means the board of occupational and physical therapy examiners;

"Division" means the division of health related boards of the department of health;

"Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist who is licensed pursuant to this act;

"Physical therapist" means a person who is licensed pursuant to this act to practice physical therapy;

"Practice of physical therapy" means:

Examining, evaluating and testing individuals with mechanical, physiological and developmental impairments, functional limitations, and disability or other health and movement-related conditions in order to determine a physical therapy treatment diagnosis, prognosis, a plan of therapeutic intervention, and to assess the ongoing effect of intervention;

Alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include, but are not limited to: therapeutic exercise; functional training; manual therapy; therapeutic massage; assistive and adaptive orthotic, prosthetic, protective and supportive equipment; airway clearance techniques; debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities; and patient-related instruction;

Reducing the risk of injury, impairments, functional limitation and disability, including the promotions and maintenance of fitness, health and quality of life in all age populations;

Engaging in administration, consultation, education and research;

"Physical therapist assistant" means a person who meets the requirements of this act for licensure as a physical therapist assistant and who performs physical therapy procedures and related tasks that have been selected and delegated only by the supervising physical therapist;

"Physical therapy assistive personnel":

"Physical therapy aide", inclusive of the terms aide, technician and transporter, means a person trained by and under the direction of a physical therapist who performs designated and supervised routine physical therapy tasks; and

"Other assistive personnel" means other trained or educated health care personnel not defined in item (6) or (7)(A) above, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist. At the discretion of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, "other assistive personnel" or "other support personnel" may be identified by the title specific to their training or education;

"Restricted physical therapy license" means a license on which the committee places restrictions or conditions, or both, as to scope of practice, place of practice, supervision of practice, duration of licensed status, or type of condition of patient to whom the licensee may provide services;

"Restricted physical therapist assistant license" means a license on which the committee has placed any restrictions due to action imposed by the committee;

"Supervision" of the physical therapist assistant means the supervising physical therapist will be readily available to the physical therapist assistant being supervised. When the physical therapist assistant is practicing in an offsite setting, the supervising physical therapist will be immediately accessible by telecommunications; patient conferences will be regularly scheduled and documented and supervisory visits will be made as further outlined in the rules and regulations; and

"On-site supervision" means the supervising physical therapist or physical therapist assistant must:

- (1) Be continuously on-site and present in the department or facility where assistive personnel are performing services;
- (2) Be immediately available to assist the person being supervised in the services being performed; and
- (3) Maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

SECTION 5. (a) The board of occupational and physical therapy examiners shall consist of (9) members appointed by the governor, each of whom shall be a resident of this state. The board shall consist of two (2) committees: a committee of occupational therapy and a committee of physical therapy.

(b)(1) Three (3) members of the board shall be occupational therapists who have had at least five (5) years' experience in the actual practice of teaching of occupational therapy immediately preceding their appointment. One (1) member of the board shall be a certified occupational therapy assistant who has had at least five (5) years experience in the actual practice or teaching in an occupational therapy assistant curriculum immediately preceding the appointment. The Tennessee Occupational Therapy Association may supply a list to the governor of at least (3) nominees for each appointment or vacancy to be filled pursuant to subdivision (b)(1). The governor may make the appointment from such list.

(2) Three (3) members of the board shall be licensed physical therapists who have had at least (5) years' experience in the actual practice or teaching of physical therapy immediately preceding their appointment. One (1) member of the board shall be a physical therapist assistant who has had at least (5) year's experience in the actual performance of physical therapy procedures and related tasks or teaching of physical therapist assistant curriculum immediately preceding the appointment. The Tennessee Physical Therapy Association may supply a list to the governor of at least (3) nominees for each appointment or vacancy to be filled pursuant to this subdivision. The governor may make the appointment from such list.

(3) One (1) member of the board shall be a person who is not engaged in the practice of occupational therapy or physical therapy and who is not professionally or commercially associated with the health care industry. Occupational therapists and physical therapists serving on the board may supply a list of at least three (3) nominees for each appointment or vacancy to be filled pursuant to this subdivision; provided, that each of the nominees identified on such list enjoys the unanimous endorsement of such occupational therapists and physical therapists. The governor may make the appointment from such list.

SECTION 6. (a) Board members appointed pursuant to subdivisions (b)(1) and (3) shall serve on the committee of occupational therapy. Board members appointed pursuant to subdivision (b)(2) and (3) shall serve on the committee of physical therapy. A quorum of either such committee shall consist of at least three (3) members.

(b) The board shall organize annually and select a chairman and a secretary. A quorum of the board shall consist of not less than five (5) members; of whom two (2) shall be physical therapists and two (2) shall be occupational therapists. Meeting of the board shall be held as frequently as its duties may require.

SECTION 7. (a) The division of health related boards as defined in Section 63-1-101 shall be the administrative agency for the board.

(b) Each member shall be reimbursed for actual expenses incurred in the performance of official duties on the board and, in addition thereto, shall be entitled to a per diem of fifty dollars (\$50.00) for each day's services in conducting the business of the board. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 8. (a) All regular appointments shall be for terms of three (3) years each. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older, that at least one (1) person serving on the board is a member of a racial minority, and that the gender balance of the board reflects the gender balance of the state's population.

(b) Each member shall serve on the board until a successor is appointed.

(c) Vacancies shall be filled by appointment of the governor for the unexpired term.

(d) The governor may, at the request of the board, remove any member of the board for misconduct, incompetence or neglect of duty.

SECTION 9. In addition to the powers granted elsewhere in the chapter, the board has the following duties:

To promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the performance of its duties and the proper administration of this chapter. All rules which relate exclusively to schools of physical therapy, to physical therapists or to physical therapist assistants shall be initiated and adopted by a majority of the members of the committee of physical therapy and all rules which relate exclusively to schools of occupational therapy, to occupational therapists or to occupational therapy assistants shall be initiated and adopted by a majority of the members of the committee of occupational therapy. Subject to the limitations contained herein, all rule making authority delegated by this chapter shall be vested in the board.

Within the maximum limitations established elsewhere in this chapter, fees relating to physical therapy shall be set in an amount sufficient to pay all of the expenses of the committee of physical therapy as well as fifty percent (50%) of the board's general expenses, and fees relating to occupational therapy shall be set in an amount sufficient to pay all of the expenses of the committee of occupational therapy as well as fifty (50%) of the board's general expenses

To grant, under the board's name, the licenses issued by the committee of occupational therapy or the committee of physical therapy.

To collect or receive all fees, fines and monies owed pursuant to the provisions of this chapter and to pay the same into the general fund of the state. For purposes of implementing subdivision (2), the board shall designate any such fee, fine or monies as having originated from the regulation of physical therapy or from the regulation of occupational therapy.

SECTION 10.

(a) Nothing in this definition shall be construed as allowing physical therapists to practice medicine, osteopathy, podiatry, chiropractic, or nursing.

(b) The scope of practice of physical therapy shall be under the written or oral referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy, with exceptions as stated in 63-13-301.

SECTION 11. Tennessee Code Annotated, Title 63, Chapter 13, Part 3, is amended by deleting such part in its entirety and by substituting instead Sections 12 through 29 as new Part 3.

SECTION 12. (a) A physical therapist licensed under this act is fully authorized to practice physical therapy as defined herein.

(b) No person shall practice, or in any manner hold himself or herself out to be engaging in the practice of physical therapy or designate himself or herself as a physical therapist unless duly licensed as a physical therapist in accordance with this chapter.

SECTION 13. (a) A physical therapist shall refer persons under his or her care to appropriate health care practitioners, after consultation with the referring practitioner, if the physical therapist has reasonable cause to believe symptoms or conditions are present which require services beyond the scope of practice or when physical therapy treatment is contraindicated.

(b) Physical therapists shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule.

SECTION 14. The practice of physical therapy shall be under the written or oral referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy, except for the following:

The initial evaluation which may be conducted without such referral;

A licensed physical therapist may treat a patient for an injury or condition that was the subject of a prior referral if all of the following conditions are met:

The physical therapist, within four (4) business days of the commencement of therapy, consults with the referring licensed physician, osteopathic physician, dentist, chiropractor, podiatrist, or other referring practitioner;

For all episodes of physical therapy subsequent to that which was initiated by the referral, the physical therapist treats the patient for not more than ten (10) treatment sessions or fifteen (15) consecutive calendar days, whichever occurs first, whereupon the physical therapist must confer with the referring practitioner in order to continue the current episode of treatment; and

The physical therapist commences any episode of treatment provided pursuant to this subsection within one (1) year of the referral by the referring practitioner.

No physical therapist may provide treatment pursuant to subdivision two (2) of this section without having been licensed to practice physical therapy for at least one (1) year and without satisfying other requirements set by the committee.

A licensed physical therapist may provide physical assessments or instructions including recommendation of exercise to an asymptomatic person without the referral of a referring practitioner.

In emergency circumstances, including minor emergencies, a licensed physical therapist may provide assistance to a person to the best of a therapist's ability without the referral of a referring practitioner. Provided, the physical therapist shall refer to the appropriate health care practitioner, as indicated, immediately thereafter. For the purposes of this subsection, emergency circumstances means instances where emergency medical care is called for. Emergency medical care means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

Placing the patient's health in serious jeopardy;

Serious impairment to bodily functions; or

Serious dysfunction of any bodily organ or part.

SECTION 15. The committee of physical therapy shall have the power and authority to:

(1) Evaluate the qualifications of applicants for licensure and provide for the examination for physical therapists and physical therapist assistants;

(2) Adopt passing scores for examination;

(3) Issue licenses to those who qualify under this act;

(4) Regulate the practice of physical therapy by interpreting and enforcing the provisions of this statute, including disciplinary action;

(5) Adopt and revise rules, as it deems necessary and appropriate, consistent with this law, for the discharge of its obligation under this section. Such rules, when lawfully adopted, shall have the effect of law;

(6) Establish requirements for assessing continuing competence of licensees; and

(7) Assess all license and registration fees.

SECTION 16. (a) Nothing in this chapter shall be construed as restricting a person licensed or certified under any other law of this state from engaging in the profession or practice for which the person is licensed or certified, provided, that the person does not represent himself or herself to be a physical therapist, a physical therapist assistant or a provider of physical therapy.

(b) The following persons shall be exempt from licensure as a physical therapist or physical therapist assistant under this chapter:

A person who is pursuing a course of study leading to a degree as a physical therapist or physical therapist assistant in a professional education program approved by the committee and is satisfying supervised clinical education requirements related to physical therapy education.

A physical therapist or physical therapist assistant while practicing in the United States Armed Services, United States Public Health Service or Veterans Administration as based on requirements under federal regulations for state licensure of health care providers.

A physical therapist or physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty (60) days in a calendar year.

(c) Nothing in this chapter shall be construed as restricting persons licensed under any other law of this state from performing physical agent modalities for which they have received education and training.

SECTION 17. (a) An applicant for licensure as a physical therapist or physical therapist assistant shall file an application as required by the committee. A non-refundable application fee and the cost of the examination shall accompany the completed written application. Fees shall be established by the rules promulgated by the board.

(b) After the application process has been completed, an applicant shall take the examination for physical therapist licensure which covers current physical therapy practice.

(c) After the application process has been completed, an applicant shall take the examination for physical therapist assistant licensure which covers current technical application of physical therapy services.

(d) Examinations shall be available within the state at such time and place as the committee shall determine. The committee shall determine the passing score.

(e) Applicants who do not pass the examination after the first attempt may retake the examination one (1) additional time without re-application for licensure. This must occur with six (6) months of initial committee approval to take the exam. Prior to being approved by the committee for subsequent testing beyond two (2) attempts, individuals shall submit a new application with all applicable fees and demonstrate evidence satisfactory to the committee of having successfully completed additional clinical training and/or course work as determined by the committee and defined in the rules.

SECTION 18. An applicant for licensure as a physical therapist shall have the following qualifications:

Must be at least eighteen (18) years of age;

Be of good moral character;

Have completed the application process;

Be a graduate of a professional physical therapy education program accredited by an accreditation agency approved by the committee; and

Have successfully passed an examination approved by the committee;

An applicant for license as a physical therapist assistant shall meet the following requirements:

Must be at least (18) years of age;

Be of good moral character;

Have completed the application process;

Be a graduate of a physical therapist assistant education program accredited by an accreditation agency approved by the committee; and

Have successfully passed an examination approved by the committee

The board shall issue a license to a physical therapist or physical therapist assistant who has a valid unrestricted license from another United States jurisdiction in which he or she, when granted such license, previously met all requirements as specified in subsections (a) and (b), and as further established by rules promulgated by the board.

An applicant for licensure as a physical therapist who has been educated outside the United States shall meet the following qualifications:

Must be at least eighteen (18) years of age;

Be of good moral character;

Have completed the application process;

Provide satisfactory evidence that the applicant's education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs as determined by the committee. If the committee determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process;

Provide written proof that the school of physical therapy education is recognized by its own ministry of education;

Provide written proof of authorization to practice as a physical therapist without limitations in the country where the professional education occurred;

Provide proof of legal authorization to reside and seek employment in the United States or its territories;

Have the applicant's educational credentials evaluated by a committee - approved credential evaluation agency;

Have passed the committee approved English proficiency examinations, if his or her native language is not English;

(10) Have participated in and completed an interim supervised clinical practice period prior to licensure; and

(11) Have successfully passed the examination approved by the committee.

Notwithstanding the provisions of this section, if the foreign-educated physical therapist applicant is a graduate of a professional physical therapy education program accredited by an agency approved by the committee, requirements in subdivisions (d)(4), (d)(5), (d)(8), and (d)(10) may be waived.

In determining the qualifications of applicants for licensure as a physical therapist or as a physical therapist assistant, only a majority vote of the committee of physical therapy shall be required.

SECTION 19.

A physical therapist or physical therapist assistant licensed under the provisions of this statute shall renew his or her license as specified in the rules. An individual, who fails to renew his or her license by the date of expiration, shall not practice physical therapy or function as a physical therapist assistant in the state of Tennessee.

Each licensee shall report to the division a name change and changes in business and home address within thirty (30) days of the change

Any person licensed by the committee to practice in this state, who has retired or may retire from such practice in this state, is not required to register as required by this part, if such person files with the committee an affidavit on a form to be furnished by the committee, which affidavit states the date on which the person retired from such practice and any other facts, as the committee considers necessary, that tends to verify such retirement. If such person thereafter reengages in practice in this state, such person shall apply for licensure with the committee as provided by this part, and shall meet such continuing education requirements that are established by the committee, except for good and sufficient reasons as determined by the committee.

Any person licensed by the committee may place the license on inactive status by filing the proper forms with the committee, and by paying a biennial fee in accordance with rules. If such person thereafter reengages in active practice in this state, such person shall apply for relicensure with the committee as provided by this part, and shall meet such continuing education requirements as are established by the committee, except for good and sufficient reasons as determined by the committee.

SECTION 20.

Reinstatement of a lapsed license following a renewal deadline requires payment of a renewal fee, a late renewal penalty fee and a reinstatement fee, in accordance with rules promulgated by the board.

Reinstatement of a license which has lapsed for more than three (3) consecutive years requires reapplying for a license and payment of fees in accordance with rules. The individual shall successfully demonstrate to the committee competency in the practice of physical therapy or shall serve an internship under a restricted license or take remedial courses as determined by the committee, or any combination of the preceding, at the committee's discretion. The committee may also require the applicant to take an examination.

When any license holder fails to renew and pay the biennial renewal fee within sixty (60) days after renewal becomes due, as provided in this section, the license of such person shall be administratively revoked at the expiration of the sixty (60) days after the renewal was required, without further notice or hearing. Any person whose license is administratively revoked, as provided herein, may make application in writing to the committee for the reinstatement of such license and, upon good cause being shown, the committee, in its discretion, may reinstate such license upon payment of all required fees.

SECTION 21. A physical therapist shall use the letters "PT" in connection with his or her name or place of business to denote licensure under this act.

It is unlawful for any person, or for any business entity, its employees, agents or representatives to use in connection with his or her name, or the name or activity of the business, the words, "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," "licensed physical therapist," or the letters "PT," "LPT," "RPT," or any other words, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, including the billing of services labeled as physical therapy, unless such services are provided by or under the direction of a physical therapist licensed in accordance with this act.

Nothing in this chapter shall be construed as restricting a person licensed or certified under any other law of this state from engaging in the profession or practice for which the person is licensed or certified, provided, that the person does not represent himself or herself to be a physical therapist, a physical therapist assistant or a provider of physical therapy.

A physical therapist assistant shall use the letters "PTA" in connection with his or her name to denote licensure hereunder.

No person shall use the title "physical therapist assistant" and use the letters "PTA" in connection with his or her name, or any other words, abbreviations or insignia indicating or implying directly or indirectly that he or she is a physical therapist assistant unless he or she is licensed as a physical therapist assistant in accordance with this act.

SECTION 22.

Physical therapists are responsible for the patient care given by physical therapist assistants, assistive personnel, and students on clinical affiliations under their supervision. The physical therapist may delegate to the physical therapist assistant, assistive personnel, and clinical students selected acts, tasks or procedures which fall within the scope of their education or training.

Physical therapist assistants shall at all times be under the supervision of a licensed physical therapist as defined in §63-13-103 (10) and as further set forth in the rules promulgated by the board.

Physical therapy aides, other assistive personnel, and clinical students shall at all times perform patient care activities under the on-site supervision of a licensed physical therapist or physical therapist assistant as defined in §63-13-103 (11).

Physical therapist students and physical therapist assistant students shall at all times be under the supervision of a physical therapist as further set forth in the rules promulgated by the board.

SECTION 23.

The committee has the power, and it shall be its duty, to deny, suspend, revoke the license of, or to otherwise lawfully discipline, a licensee who is guilty of violating any of the provisions of this part or is guilty of the following acts or offenses:

Practicing physical therapy in violation of the provisions of this chapter or any rule or written order adopted by the committee.

Practicing or offering to practice beyond the scope of physical therapy practice as defined in this chapter.

Making false or misleading statements or representations, being guilty of fraud or deceit in obtaining admission to practice, or being guilty of fraud or deceit in the licensee's practice.

Engaging in the performance of substandard care by a physical therapist due to ignorance, incompetence, or a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.

Engaging in the performance of substandard care by a physical therapist assistant, which includes exceeding the authority to perform task selected and delegated by the supervising physical therapist regardless of whether actual injury to the patient is established.

Inadequately supervising or delegating duties which exceed the scope of practice for assistive personnel in accordance with the chapter and rules adopted by the committee.

Conviction of a felony or any offense involving moral turpitude in the courts of this state or any other state, territory or country. Conviction, as used in the paragraph, shall include a finding or verdict of guilt, or a plea of nolo contendere.

Practicing as a physical therapist or working as a physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances, other habit forming drugs, chemicals or alcohol.

Disciplinary action against a person licensed to practice as a physical therapist or physical therapist assistant by another state or territory of the United States for any acts or omissions which would constitute grounds for discipline of a person licensed in this state. A certified copy of the initial or final order or other equivalent document shall constitute prima facie evidence of violation of this section and be sufficient grounds upon which to deny, restrict or condition licensure or renewal and/or discipline a person licensed in this state.

Engaging in sexual misconduct. Sexual misconduct, for the purpose of this section, includes the following:

Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient relationship exists;

Making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical conduct or physical contact of a sexual nature with patients; and

Intentionally viewing a completely or partially disrobed patient in the course of treatment, if the viewing is not related to patient diagnosis or treatment under current practice standards.

(11) Directly or indirectly requesting, receiving, or participating in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or profiting by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services. Nothing in this item prohibits the members of any regularly and properly organized business entity recognized by law and comprised of physical therapists from dividing fees received for professional services among themselves as they determine necessary to defray their joint operating expense.

(12) Failing to adhere to standards of ethics of the physical therapy profession.

(13) Charging unreasonable or fraudulent fees for services performed or not performed.

(14) Making misleading, deceptive, untrue or fraudulent representations in violation of this act, or otherwise, in practice of the profession.

(15) Being under a current judgment of mental incompetency rendered by a court of competent jurisdiction.

(16) Aiding or abetting a person not licensed in this state who directly or indirectly performs activities requiring a license.

(17) Failing to report to the committee any act or omission of a licensee, applicant, or any other person, which violates the provisions of this chapter.

(18) Interfering with, or refusing to cooperate in, an investigation or disciplinary proceeding, including willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

(19) Failing to maintain patient confidentiality without prior written consent or unless otherwise required by law.

(20) Failing to maintain adequate patient records that contain a minimum of an evaluation of objective finding, a physical therapy treatment diagnosis, the plan of care including desired outcomes, the treatment record, a discharge plan including results of intervention, and sufficient information to identify the patient.

(21) Promoting unnecessary devices, treatment intervention or service for the financial gain of the practitioner or of a third party.

(22) Providing treatment intervention unwarranted by the condition of the patient, nor shall they continue treatment beyond the point of reasonable benefit

(23) A violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate, any provisions or this chapter or any lawful order of the committee issued pursuant thereto, or any criminal statute of the state of Tennessee.

(24) Division of fees or agreeing to split fees or divide fees received for professional services with any person for bringing or referring a patient, outside the scope of §63-13-315.

(25) Payment or acceptance of commissions, in any form or manner, on fees for professional services, references, consultations, pathological reports, prescriptions, or on other services or articles supplied to patients.

SECTION 25. The committee may, upon proof of the violation of any provision of this chapter, take the following disciplinary actions singly or in combination:

(1) Deny an application for a license to any applicant who applies for the same through reciprocity or otherwise;

(2) Permanently or temporarily withhold issuance of a license;

(3) Suspend or limit or restrict a previously issued license for such time and in such manner as the committee may determine;

(4) Issue a letter of reprimand;

(5) Reprimand or take such action in relation to disciplining an applicant or licensee, including, but not limited to, informal settlements and letters of warning as the committee, in its discretion, may deem proper;

(6) Revoke a license;

(7) Refuse to issue or renew a license; or

(8) Impose civil penalties for violation of this chapter pursuant to §63-1-134. In addition, the committee may, in its discretion, assess and collect the reasonable costs incurred in a disciplinary hearing, when action is taken against a person's license.

SECTION 26. (a) All proceedings for disciplinary action against a licensee shall be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(b) The committee retains jurisdiction to modify or refuse to modify, upon request of any party, any of its orders issued pursuant to this section.

SECTION 27. (a) A person commits a Class B misdemeanor if the person engages in an activity requiring a license issue according to this chapter and who fails to obtain the required license, who violates any other provision of this chapter or who uses any word, title, or representation implying that the person is licensed to engage in the practice of physical therapy. A person represents himself or herself to be a physical therapist when using a title, letters, or any description or services which incorporates one or more of the terms, designations or abbreviations specifically restricted under §§63-13-103 and 63-13-308.

(b) The board may authorize an investigation of any person to the extent necessary to determine if the person is engaged in the unlawful practice of physical therapy.

(c) The board may through the office of the attorney general, apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing an act in violation of this chapter. Injunctive proceedings are in addition to, and not in lieu of, all penalties, and other remedies prescribed in this chapter.

(d) A person who aids or requires another person to directly or indirectly violate this chapter or rules, who permits their license or a license issued by this board to be used by any person other than the licensee, or who acts with the intent to violate or evade this chapter or rules is subject to a civil penalty of not more than one thousand dollars (\$1000) for each violation.

SECTION 28. (a). In lieu of a disciplinary proceeding as set forth in this chapter, the committee may permit a licensee pursuant to this act to actively participate in a committee approved peer assistance program under the following conditions:

The committee has evidence that the licensee is impaired.

The licensee has not been convicted of a felony relating to a controlled substance in a court of law of the United States or any other territory or country.

The licensee enters into a written agreement with the committee for a restricted license and complies with all the terms of the agreement, including making satisfactory progress in the program and adhering to any limitations on the licensee's practice imposed by the committee to protect the public. Failure to enter into such an agreement shall activate an immediate investigation and disciplinary proceeding by the committee.

As part of the agreement established between the licensee and the committee, the licensee shall sign a waiver allowing the peer assistance program to release information to the committee if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety.

(b) The committee shall establish fees for all licensees to effect the purposes of this act.

SECTION 29.

Physical therapists shall inform the patient of any financial arrangements connected to the referral process.

Physical therapists shall disclose in writing any financial interest in products they endorse and recommend to their patients.

The licensee has the responsibility to ensure that the patient has knowledge of freedom of choice in services and products.

Information relating to the physical therapist-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient. The physical therapist-patient confidentiality does not extend to cases in which the physical therapist has a duty to report information as required by law.

Any person may submit a complaint regarding any licensee or any other person potentially in violation of this chapter. Confidentiality shall be maintained subject to law.

The department shall keep all information relating to the receiving and investigation of complaints filed against licensees confidential until the information becomes public record as required by law.

Each licensee shall display a copy of his or her license or current renewal verification in a location accessible to public view at his or her place of employment.

SECTION 30. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. McDaniel moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1645**, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1751 -- Education - Provides that children of teachers shall be allowed to attend school at which such parent teaches. Amends TCA Section 49-6-3113. by *Hagood, *Bunch. (*SB1662 by *Burchett, *Cohen, *Crutchfield, *Williams, *Blackburn)

Senate Amendment No. 1

AMEND House Bill No. 1751 by inserting the following new section to be designated as Section 2 and by redesignating Section 2 to be Section 3:

SECTION 2. Tennessee Code Annotated, Section 49-6-3113(b) is amended by inserting the following new language before that last sentence in the subsection:

The provisions of this act shall not apply to children of teachers teaching at magnet schools.

Rep. Hagood moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1751**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1445 -- Criminal Procedure - Provides for expungement of public records concerning orders of protection that were denied by court upon petition to court having jurisdiction in such action. Amends TCA Title 36, Chapter 3, Part 6 and Title 40, Chapter 32, Part 1. by *Buck, *Towns, *Jackson. (*SB759 by *Burchett)

Further consideration of House Bill No. 1445 previously considered on today's Message Calendar.

Senate Amendment No. 2

AMEND House Bill No. 1445 by deleting the following language "at a cost of fifty dollars (\$50.00) to such person" and by substituting instead the following language "without cost to such person".

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1445**, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for May 26, 1999:

House Joint Resolution No. 294 -- Memorials, Professional Achievement - Daisy Crowder, Statesman of the Year. by *Davis (Cocke), *Davis (Washington).

House Joint Resolution No. 345 -- Memorials, Recognition - Mt. Pleasant Rotary Club, 75th anniversary. by *Sands, *White.

House Joint Resolution No. 346 -- Memorials, Professional Achievement - Perkins Drugs & Gift Shoppe, 100th Anniversary. by *McDonald, *Black.

House Joint Resolution No. 347 -- Memorials, Professional Achievement - Jane Stephens Johnston, 50th year at Knoxville Business College. by *Stulce, *Hagood.

House Joint Resolution No. 348 -- Memorials, Personal Occasion - William and Dorothy McKnight, 50th Wedding Anniversary. by *Eckles.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar No. 2 for May 26, 1999:

Senate Joint Resolution No. 431 -- Memorials, Personal Occasion - John and Mary Grandstaff, 50th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 432 -- Memorials, Retirement - Sarah Taylor. by *Haynes.

Senate Joint Resolution No. 433 -- Memorials, Retirement - Nancy Cragon. by *Haynes.

Senate Joint Resolution No. 434 -- Memorials, Retirement - Bill Wallace. by *Rochelle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 435 -- Memorials, Recognition - Cookeville FFA. by *Burks, *Haun.

Senate Joint Resolution No. 436 -- Memorials, Recognition - South Greene FFA. by *Burks, *Haun.

Senate Joint Resolution No. 437 -- Memorials, Recognition - Chucky Doak FFA. by *Burks, *Haun.

Senate Joint Resolution No. 438 -- Memorials, Recognition - West Greene FFA. by *Burks, *Haun.

Senate Joint Resolution No. 444 -- Memorials, Interns - Duane Maynard Lowe. by *Womack.

Senate Joint Resolution No. 462 -- Memorials, Interns - Sandra D. Zerr. by *Womack.

Senate Joint Resolution No. 463 -- Memorials, Interns - Lori Ann Bradford. by *Ford J, *Harper, *Dixon.

Senate Joint Resolution No. 464 -- Memorials, Interns - Charles Frank Davis. by *Springer.

Senate Joint Resolution No. 468 -- Memorials, Retirement - Bo Townsend. by *Burchett, *Atchley.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 471 -- Memorials, Personal Occasion - Sandi Jones, birthday. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 482 -- Memorials, Academic Achievement - Brooke Hagy, 1999 Salutatorian, University School, Johnson City. by *Crowe.

Senate Joint Resolution No. 483 -- Memorials, Academic Achievement - Ryan David Robinson, University School Valedictorian. by *Crowe.

Senate Joint Resolution No. 484 -- Memorials, Academic Achievement - Gordon Thompson, Valedictorian, University School, Johnson City. by *Crowe.

SUPPLEMENTAL CONSENT CALENDAR NO. 2

House Joint Resolution No. 294 -- Memorials, Professional Achievement - Daisy Crowder, Statesman of the Year. by *Davis (Cooke), *Davis (Washington).

House Joint Resolution No. 345 -- Memorials, Recognition - Mt. Pleasant Rotary Club, 75th anniversary. by *Sands, *White.

House Joint Resolution No. 346 -- Memorials, Professional Achievement - Perkins Drugs & Gift Shoppe, 100th Anniversary. by *McDonald, *Black.

House Joint Resolution No. 347 -- Memorials, Professional Achievement - Jane Stephens Johnston, 50th year at Knoxville Business College. by *Stulce, *Hagood.

House Joint Resolution No. 348 -- Memorials, Personal Occasion - William and Dorothy McKnight, 50th Wedding Anniversary. by *Eckles.

Senate Joint Resolution No. 431 -- Memorials, Personal Occasion - John and Mary Grandstaff, 50th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 432 -- Memorials, Retirement - Sarah Taylor. by *Haynes.

Senate Joint Resolution No. 433 -- Memorials, Retirement - Nancy Cragon. by *Haynes.

Senate Joint Resolution No. 434 -- Memorials, Retirement - Bill Wallace. by *Rochelle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 435 -- Memorials, Recognition - Cookeville FFA. by *Burks, *Haun.

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 436 -- Memorials, Recognition - South Greene FFA. by *Burks, *Haun.

Senate Joint Resolution No. 437 -- Memorials, Recognition - Chucky Doak FFA. by *Burks, *Haun.

Senate Joint Resolution No. 438 -- Memorials, Recognition - West Greene FFA. by *Burks, *Haun.

Senate Joint Resolution No. 444 -- Memorials, Interns - Duane Maynard Lowe. by *Womack.

Senate Joint Resolution No. 462 -- Memorials, Interns - Sandra D. Zerr. by *Womack.

Senate Joint Resolution No. 463 -- Memorials, Interns - Lori Ann Bradford. by *Ford J, *Harper, *Dixon.

Senate Joint Resolution No. 464 -- Memorials, Interns - Charles Frank Davis. by *Springer.

Senate Joint Resolution No. 468 -- Memorials, Retirement - Bo Townsend. by *Burchett, *Atchley.

Senate Joint Resolution No. 471 -- Memorials, Personal Occasion - Sandi Jones, birthday. by *Womack, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Senate Joint Resolution No. 482 -- Memorials, Academic Achievement - Brooke Hagy, 1999 Salutatorian, University School, Johnson City. by *Crowe.

Senate Joint Resolution No. 483 -- Memorials, Academic Achievement - Ryan David Robinson, University School Valedictorian. by *Crowe.

Senate Joint Resolution No. 484 -- Memorials, Academic Achievement - Gordon Thompson, Valedictorian, University School, Johnson City. by *Crowe.

Rep. Miller moved that all members voting aye on **Senate Joint Resolution No. 463** be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes98
Noes0

WEDNESDAY, MAY 26, 1999 -- THIRTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

SUPPLEMENTAL REGULAR CALENDAR, CONTINUED

House Bill No. 1371 -- Planning, Public - Transfers remaining interstate right-of-way property in Memphis acquired for cancelled connector to Memphis for redevelopment as parkway and urban residential development. Amends TCA Section 12-2-112. by *Chumney. (*SB796 by *Cohen)

Further consideration of House Bill No. 1371 previously considered on today's Supplemental Regular Calendar.

Rep. Chumney moved that House Bill No. 1371 be reset for the Regular Calendar on May 27, 1999, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. White moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 465 out of order, which motion prevailed.

***Senate Joint Resolution No. 465** -- Highway Signs - "Meriwether Lewis Memorial Highway," S.R. 20 in Lewis County. by *Springer.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. White, the resolution was concurred in.

A motion to reconsider was tabled.

ANNOUNCEMENTS

The Transportation Committee was to meet in the well immediately after session, followed by a meeting of the Finance, Ways and Means Committee to hear House Bill No. 1592.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 26, 1999**, reported the following:

TRANSPORTATION

The Transportation Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1592. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1592 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 157: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 1592: Rep(s). Head as prime sponsor(s).

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 361, 363, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 403, 404, 405, 406, 408, 409, 411, 412, 416, 417, 418, 419, 425, 426 and 427; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 26, 1999

The Speaker signed the following: Senate Joint Resolution(s) No(s). 361, 363, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 402, 403, 404, 405, 406, 408, 409, 411, 412, 416, 417, 418, 419, 425, 426 and 427.

MESSAGE FROM THE GOVERNOR
May 26, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 252 and 781, without his signature.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 136, 141, 1055 and 1245; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
May 26, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 9, 78 and 406; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 9** -- Foster Care - Provides that unless it is in best interest of child that biological parents have contact with foster parents, names and addresses of foster parents shall not be disclosed. Amends TCA Section 37-2-415. by *Graves, *Person. (HB37 by *McDonald, *Black)

Senate Bill No. 78 -- Tennessee Valley Authority - Increases from 20 to 30 percent cap on TVA in lieu of tax impact funds which may be allocated to University of Tennessee for operation of CTAS Amends TCA Title 67, Chapter 9, Part 1. by *Rochelle. (*HB59 by *Rhinehart, *Curtiss)

***Senate Bill No. 406** -- Hospitals and Health Care Facilities - Extends present law considerations for application for skilled nursing facility beds until June 30, 2000; deletes provisions relative to random drawing conducted in 1997. Amends TCA Title 68, Chapter 11. by *Cooper. (HB1227 by *Walley)

MESSAGE FROM THE SENATE
May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1126; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 624; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 693, 1450, 1870 and 1961; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1945; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 487 and 1818; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1464; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1604; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 26, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 938.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 26, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1017, 1522 and 1587, also, House Joint Resolution(s) No(s) 221, 252, 294, 345, 346, 347 and 348.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 26, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1991, also, House Joint Resolution(s) No(s) 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343 and 344.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 294, 345, 346, 347 and 348; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1925; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1926; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1927; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 26, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1676; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

CONSENT CALENDAR

May 26, 1999

The following local bills have been placed on the Consent Calendar for **May 27, 1999**: House Bill(s) No(s). 1990 and 2000.

ROLL CALL

The roll call was taken with the following results:

Present.....93

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

RECESS MOTION

On motion, of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, May 27, 1999.